



APPENDIXES, GLOSSARY, SELECTED REFERENCES,  
PREPARERS AND CONSULTANTS, AND INDEX



## APPENDIX A: LEGISLATION

*PUBLIC LAW 93-440, AN ACT TO ESTABLISH BIG CYPRESS NATIONAL PRESERVE, AS AMENDED BY PUBLIC LAW 100-301, THE BIG CYPRESS NATIONAL PRESERVE ADDITION ACT*

**Note: All underlined sections are from the 1988 Addition Act**

An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes. (88 Stat. 1255) (P.L. 93-440)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.

(b) The Big Cypress National Preserve (hereafter referred to as the "preserve") shall comprise the area generally depicted on the map entitled "Big Cypress National Preserve", dated November 1971 and numbered BC-91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve or the Addition: *Provided*, That any lands owned or acquired by the State of Florida, or any of its subdivisions, in the preserve may be acquired by donation only and any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d): *Provided further*, That no Federal funds shall be appropriated until the Governor of Florida executes an agreement on behalf of the State which (i) provides for the transfer to the United States of all lands within the preserve previously owned or acquired by the State and (ii) provides for the donation to the United States of all lands acquired by the State within the preserve pursuant to the provision of "the Big Cypress Conservation Act of 1973" (Chapter 73-131 of the Florida Statutes) or provides for the donation to the United States of any remaining moneys appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by this Act, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve and the Addition, exclude such interest in acquiring any lands within the preserve and the Addition. Notwithstanding the provisions of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 1904) the Secretary (i) may evaluate any offer to sell land within the preserve or the Addition by any landowner and may, in his discretion, accept any offer not in excess of \$10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve or the Addition without notice to the owner or owners thereof. Notwithstanding any other provision of law, any federally owned lands within the preserve or the Addition shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds. Nothing in this Act shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.

(d) (1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.

(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

(3) The amount described in paragraph (1) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

(4) For purposes of this subsection, the term 'total cost' means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.

SEC. 2. (a) In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73-131 of the Florida statutes, "The Big Cypress Conservation Act of 1973", the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this Act.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve.
- (ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and
- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means:

(i) a detached, one family dwelling, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed in November 23, 1971, or January 1, 1986, as the case may be, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971 or January 1, 1986, as the case may be.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

- (1) motorized vehicles,
- (2) exploration for and extraction of oil, gas, and other minerals,
- (3) grazing,
- (4) draining or constructing of works or structures which alter the natural water courses,
- (5) agriculture,
- (6) hunting, fishing, and trapping,
- (7) new construction of any kind, and
- (8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve and the Addition in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve and the Addition, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

(i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972 (January 1, 1985, in the case of the Addition), were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve and the Addition subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve or within the Addition, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20). No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

SEC. 7. Within five years from the date of the enactment of this Act with respect to the preserve and five years from the date of the enactment of the Big Cypress National Preserve Addition Act with respect to the Addition, the Secretary shall review the area within the preserve or the area within the Addition (as the case may be) and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any area within the preserve or the area within the Addition (as the case may be) for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 8. (a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$116,000,000 for the acquisition of lands and interests in lands and not to exceed \$900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed \$49,500 000 for the acquisition of lands within the Addition. There is hereby authorized to be appropriated such sums as may be necessary for development in the Addition.

Approved October 11, 1974.

(The following are completely new sections added from Addition Legislation)

SEC. 9. (a) In order to --

(1) achieve the purposes of the first section of this Act;

(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida,

the Big Cypress National Preserve Addition is established.

(b) The Big Cypress National Preserve Addition (referred to in this Act as the 'Addition') shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

(c) The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the 'Big Cypress National Preserve Addition' and shall be managed in accordance with section 4.

(d) For purposes of administering the Addition and notwithstanding section 2(c), it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after the date of the enactment of this paragraph.

SEC. 10. The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, wildlife protection, hunting, fishing, frogging, and other traditional opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Three of such access points shall be located within the preserve (including the Addition).

SEC. 11. Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including --

(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

(2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 10;

(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

(4) the status of land acquisition; and

(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for

significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.

SEC. 12. (a) Within nine months from the date of the enactment of the Big Cypress National Preserve Addition Act, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

(b) Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that --

(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless --

(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may --

(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

(c) Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

(d) In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of

promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

(e) Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable: Provided, That such agreement shall be consistent with the requirements of subsections (b)-(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: Provided further, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

(f) There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purposes for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.

*Legislative History.*

House Report No. 93-502 (Comm. on Interior and Insular Affairs).

Senate Report No. 9-1128 (Comm. on Interior and Insular Affairs).

Congressional Record:

Vol. 119 (1973): Oct 3, considered and passed House.

Vol. 120 (1974); Sept 9, considered and passed Senate, amended.

Sept. 24, House concurred in Senate amendments with amendments.

Oct 1, Senate concurred in House amendments to Senate amendments.



APPENDIX B: WILDERNESS ELIGIBILITY DETERMINATION



United States Department of the Interior



NATIONAL PARK SERVICE
Big Cypress National Preserve
33100 Tamiami Trail East
Ochopee, Florida 34141-1000

IN REPLY REFER TO:
L48 (BICY-S)

April 20, 2010

To: Jonathan Jarvis, Director
Thru: David Vela, Southeast Regional Director
From: Pedro Ramos, Superintendent
Re: BICY Addition Wilderness Eligibility Assessment

Per Public Law 100-301 and NPS Management Policies 2006 6.2.1, Big Cypress National Preserve has completed a wilderness eligibility assessment for the 147,000 acres of the Addition.

An internal wilderness eligibility assessment was completed in 2006 by the Preserve. This assessment was included in the Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (GMP/EIS) released to the public in 2009. Based on the public input received, staff consideration, and consultation with WASO, SERO, DSC, and EQD, a revised wilderness eligibility assessment has been prepared.

Of the 147,000 acres assessed, 71,263 acres meet the wilderness eligibility criteria in the Wilderness Act of 1964 and NPS Management Policies 2006 6.2.1.1 and 6.2.1.2 and are eligible for wilderness designation.

With your approval, this eligibility assessment will be used as part of the wilderness study accompanying the final GMP/EIS.

Southeast Regional Director Concurrence:
Agree [Signature] Disagree \_\_\_\_\_ Date 4-20-10

for Director Approval:
Approve [Signature] Disapprove \_\_\_\_\_ Date 5/12/2010

## Wilderness Eligibility Assessment - April 2010

Big Cypress National Preserve Addition



### INTRODUCTION

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This wilderness eligibility assessment has been prepared in accordance with legislative and policy mandates requiring an assessment of the wilderness eligibility of all lands administered by the National Park Service. This assessment does not propose wilderness, potential or otherwise, nor does it recommend wilderness boundaries. The purpose is solely to assess the eligibility of lands pursuant to the Wilderness Act of 1964 (Public Law 88-577), the Big Cypress National Preserve Addition Act (Public Law 100-301), and NPS Management Policies 6.2.1.

The eligibility assessment represents a combination of the eligibility assessment report completed in 2006 and the revised eligibility assessment completed in 2010. The 2010 eligibility assessment was undertaken as a result of comments received from the public, organizations, and agencies on the *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement*. Wilderness eligibility determinations were made by analyzing each area relative to the wilderness criteria in the Wilderness Act of 1964 and the primary eligibility criteria in NPS Management Policies 6.2.1, with consideration for the criteria in 6.2.1.2.

### WILDERNESS CRITERIA

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The following criteria were used to evaluate all lands in the Big Cypress Addition for wilderness eligibility:

- The area is at least 5,000 acres or of sufficient size to make practicable its preservation and use in an unimpaired condition.
- The earth and its community of life are untrammelled by humans, where humans are visitors and do not remain.
- The area is undeveloped and retains its primeval character and influence without permanent improvements or human habitation.

- The area generally appears to have been affected primarily by the forces of nature, with the imprint of humans' work substantially unnoticeable.
- The area is protected and managed so as to preserve its natural conditions.
- If needed restoration techniques and resulting impacts would be inconsistent with wilderness eligibility, then the area to be restored would not be wilderness eligible for purposes of this assessment.

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### **ASSUMPTIONS**

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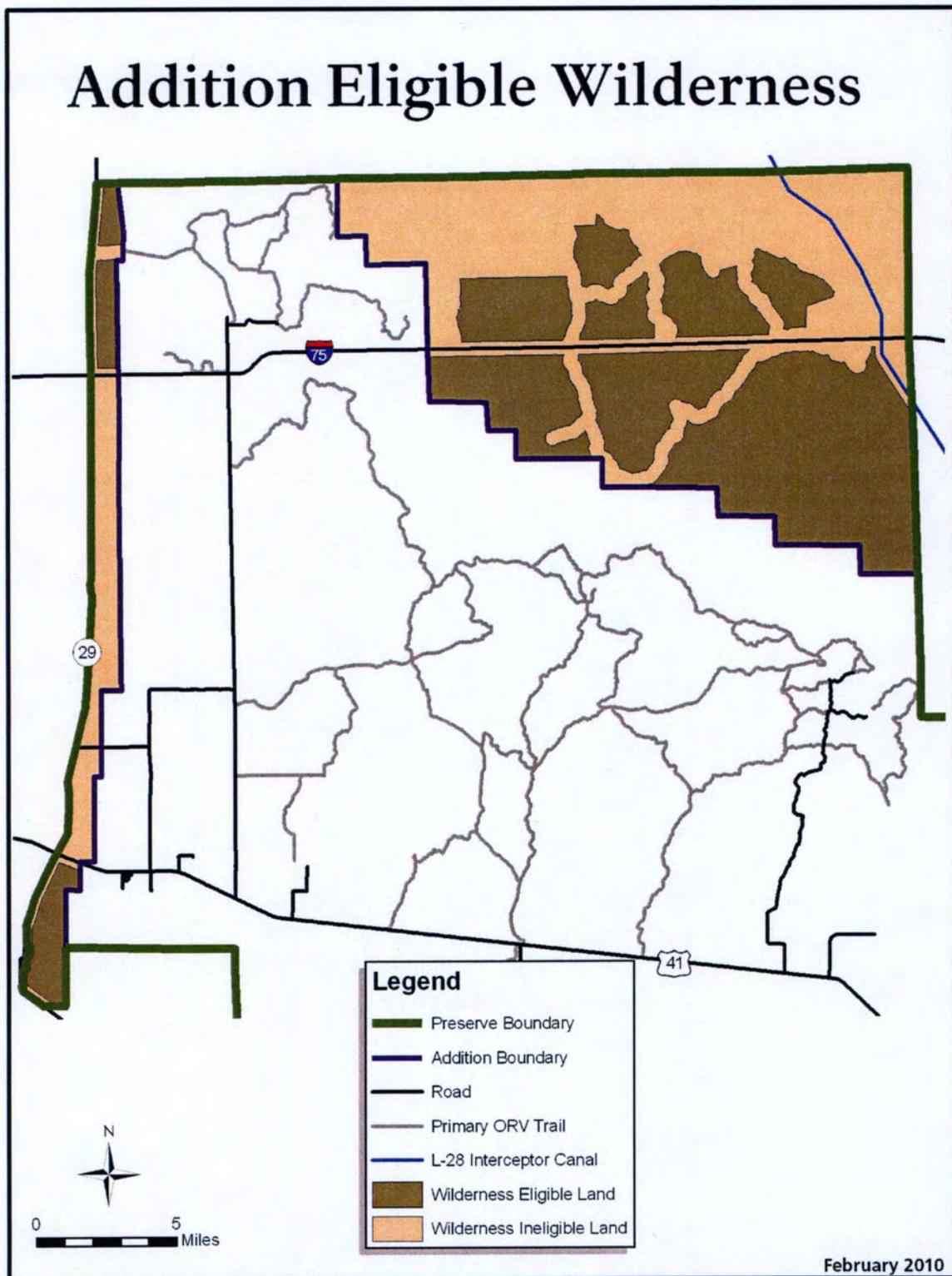
- The participants' definition of what was considered an example of a "substantial imprint of humans' work" included roads, trails, or other areas that were created by man and used significantly over time that would require substantial human intervention to restore.
- Whether the imprint of humans' work is substantially unnoticeable was reviewed from the perspective of a land manager and not a common visitor. Man's past work is, in many cases, substantially noticeable to a land manager, but may not be to the common visitor.
- The wilderness eligibility criteria were only applied to the Addition; areas in the original Preserve were not included as part of this analysis.
- If needed long-term restoration techniques would be inconsistent with wilderness eligibility, then the area to be restored would not be wilderness eligible.

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### **FINDINGS**

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Of the 147,000 acres assessed, 71,263 acres were determined to be eligible for wilderness designation. See the map on the next page. For a more detailed presentation of the eligibility analysis and findings, please refer to the maps on pages 11 and 12.



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Northeast Addition

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**Not Eligible for Wilderness Designation (North of I-75)**

**(#16) I-75 Right-of-Way (ROW):** Quarter-mile (400 meters)<sup>1</sup> on either side of the actual ROW so as to include all past disturbances from highway engineering, construction and maintenance as well as continued motorized use and access for infrastructure maintenance. The area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#17, #18) L-28 Interceptor Canal:** Quarter-mile (400 meters) on either side of the actual ROW so as to include all past disturbances from canal engineering, construction and maintenance activities. The area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#25, #24, #32) Bundschu, Nobles and Jones Grades:** Quarter-mile (400 meters) on either side of the actual grade; includes the areas that have been altered or disturbed by unconventional techniques used to create roads and grades and resulted in sidecast debris. Other human disturbances such as borrow pits are present. The southern section of Jones Grade includes additional evidence of past human disturbance. These areas do not retain their primeval character, they bear the noticeable imprint of humans' work, and they do not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#34) Grades East of Jones Grade:** Quarter-mile (400 meters) on either side of the actual grade; raised grades; significant imprint of humans. The area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

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<sup>1</sup> See description and rationale for "non-wilderness corridors" on pages 9-10. All corridors have been established as a total width of ½ mile.

**(#31) Trail Connecting Jones and Nobles Grades:** Quarter-mile (400 meters) on either side of the actual trail; trail has been significantly used; humans' work is substantially noticeable when on the ground and other man-made items are visible adjacent to the trail; motorized use would continue; the area is not untrammelled by humans and does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#30, #28) One-mile Strip North of Pipeline:** the pipeline ROW width is 50 feet and runs west to east across the northern area of the northeast Addition. The area to the north of the ROW has been disturbed by past construction and maintenance activity. Many trails bisect this area; adjacent land management impinges on its primitive character. As a result, the area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#33) East of L-28 and North of I-75:** this area has been substantially altered by man --hydrology and prior human land uses.

**(#27) Storelli Property:** substantially altered (roads, houses); boundaries are based on property lines in the absence of any major topographic features; does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#26) Big Cypress Sanctuary:** substantially altered by man (roads, houses); boundaries based on property lines in the absence of any major topographic features; does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#35) West and South of Sanctuary:** camps are present; adjacent to trail/road that serves exempt properties. The area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#23)** Area not practicable to be managed as wilderness; adjacent to other motorized corridors/areas deemed ineligible; does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(#7) Man's work is substantially noticeable. A rectangular strip of past disturbance, probably an old bulldozed property line, exists in the vicinity of Nobles Ranch. The areas north to the pipeline and west and east are also disturbed. An old agricultural ditch is present and a man-made pit is visible on the east side of Nobles Grade.

(#6) This area includes old, abandoned agricultural fields that have and will be actively restored/maintained and intentionally manipulated with motorized equipment to achieve desired resource conditions. Exotic vegetation, including the root mat, has been removed. Original pine trees have been cut; pine trees may be planted. Remnants of ditch and dike agricultural techniques are present, although old ditches have been filled in. The southern boundary is an old fence line that runs west to east. Trails have been significantly used. The area is not untrammelled by humans and humans' work is substantially noticeable when on the ground; motorized use would continue.

(#29) This area does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation; past disturbance and bisecting trails present.

(#5) As a result of adjacent Bundschu Grade and its corridor, this area is not of a shape that could be practicably managed as wilderness.

**Not Eligible for Wilderness Designation (South of I-75)**

(#20) This area is not of sufficient size and shape to practicably manage as wilderness.

(#21) This area does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation; is not of sufficient size and shape to practicably manage as wilderness.

(#22) Quarter-mile (400 meters) corridor on either side of existing trails; trails have been significantly use; portions of the trail are a former oil and gas road; humans' work is substantially noticeable when on the ground and other man-made items are visible adjacent to the trail; motorized use would continue. The area is not untrammelled by humans and does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Eligible for Wilderness Designation

(#8, #10) **Areas East of Nobles Grade:** large, wild areas with minor imprints of man. Natural processes and conditions prevail. The areas are of sufficient size to preserve in an unimpaired condition.

(#9) **Kissimmee Billy Strand and Adjacent Areas:** a remote area devoid of trails. Natural processes dominate and man's imprint is substantially unnoticeable. Outstanding opportunities for solitude or a primitive and unconfined type of recreation exist.

(#11, #12) **East of Grades and North of I-75:** large, wild areas with minimal imprints of man. Natural processes and conditions prevail. The areas are of sufficient size to preserve in an unimpaired condition.

(#13) **Mullet Slough West:** a remote area largely devoid of trails and adjacent to wildlands with no ORV impacts. Natural processes dominate and man's imprint is substantially unnoticeable. Outstanding opportunities for solitude or a primitive and unconfined type of recreation exist.

(#14) **Mullet Slough Central:** a large block of contiguous, primeval, undeveloped habitat that has been primarily affected by the forces of nature and where natural processes dominate. The area is of sufficient size to preserve in an unimpaired condition. Man's imprint is substantially unnoticeable, and the area offers outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(#15) **Mullet Slough East:** a large block of contiguous, primeval, undeveloped habitat that has been primarily affected by the forces of nature and where natural processes dominate. The area is of sufficient size to preserve in an unimpaired condition. Man's imprint is substantially unnoticeable, and the area offers outstanding opportunities for solitude or a primitive and unconfined type of recreation.

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**Western Addition**

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Not Eligible for Wilderness Designation (North of I-75)

(#36) **SR 29 ROW:** Quarter-mile (400 meters) to the east of the actual ROW; includes past disturbance from road construction, including the canal and borrow pits. The area is not untrammelled

by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#36) I-75 ROW: Quarter-mile** (400 meters) on the north side of the actual ROW so as to include all past disturbances from highway engineering, construction and maintenance as well as continued motorized use and access for infrastructure maintenance. The area is not untrammelled by humans, it does not retain its primeval character, it bears the noticeable imprint of humans' work, and it does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#36) Bear Island Grade:** Quarter-mile (400 meters) on either side of the actual ROW so as to include all past disturbances from construction and maintenance as well as continued motorized use.

**(36#) North Side of I-75/SR 29 Interchange Triangle:** includes past disturbance from engineering, construction, and maintenance, including the canal; continued motorized use.

**(36#) Private Land:** plus 50-foot buffer around property lines due to previous disturbance; falls within the  $\frac{1}{4}$  mile of the SR 29 and I-75 ROW.

**Not Eligible for Wilderness Designation (Between I-75 and U.S. 41)**

**(#3)** Areas of past human disturbance and private property exist. Humans' work is noticeable. When areas of past disturbance are removed from eligibility, the remaining lands become very fragmented and management as wilderness is not practicable. The ability of a land manager or visitor to determine when he/she was in or out of an eligible area would be very limited.

The disturbances listed below contribute to the finding that area #3 is not eligible.

Note: many disturbances below fall within  $\frac{1}{4}$ -mile of the SR 29, I-75, and U.S. 41 ROW.

- **I-75 ROW:** Quarter-mile (400 meters) south of the actual ROW so as to include all past disturbances from highway engineering, construction and maintenance as well as continued motorized use and access for infrastructure maintenance.

- **SR 29 ROW:** Quarter-mile (400 meters) to the east of the actual ROW includes past disturbance from road construction, including the canal and borrow pits.
- **U.S. 41 ROW:** Quarter-mile (400 meters) north of the actual ROW so as to include all past disturbances from highway engineering, construction and maintenance as well as continued motorized use and access for infrastructure maintenance.
- **South Side of I-75/SR 29 Interchange Triangle:** includes past disturbance from engineering, construction, and maintenance, including the canal; continued motorized use.
- An old agricultural area lies southeast of the I-75/SR 29 junction. Furrows are prominent and substantially noticeable; vegetation differs from adjacent natural areas, and soil chemistry has been altered due to past agricultural activity.
- Other areas of past human agricultural activity and disturbance exist within this strip of land, and humans' work is noticeable. Vegetation in disturbed areas differs from adjacent natural areas.
- **Tram North of Deep Lake:** past disturbance due to construction and use.
- **Lower Wagonwheel Road ROW:** plus 50 feet on both sides due to disturbance from construction and continued use.
- **Private Land:** plus 50-foot buffer around property lines due to previous disturbance.

**Not Eligible for Wilderness Designation (South of U.S. 41)**

Note: most disturbances below fall within the  $\frac{1}{4}$  mile of the SR 29 and U.S. 41 ROW.

**(#37) SR 29 ROW:** Quarter-mile (400 meters) to the east of the actual ROW includes past disturbance from road construction, including the canal and borrow pits; does not offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**(#37) U.S. 41 ROW:** Quarter-mile (400 meters) south of the actual ROW so as to include all past disturbances from highway engineering, construction and maintenance as well as continued motorized use and access for infrastructure maintenance. This distance allows for opportunities for solitude and primitive recreation.

**(#37) Municipal Boundary and Edge of Lake Placid:** Used regularly by Everglades City; human use; practical boundary for wilderness management.

**(#37) Private Land:** plus 50-foot buffer around property lines due to previous disturbance.

**(#37) LCEC Power Substation:** private property, developed.

**(#37) Everglades City Chamber of Commerce:** dredged and filled; encumbered with leases.

**Plantation Island Subdivision and Access Road:** private property; outside of BICY boundary.

**Eligible for Wilderness Designation**

**(#1, #2, #4)** sensitive and wild natural areas without trails and primarily affected by the forces of nature; adjacent to designated wilderness in Everglades National Park. The areas are undeveloped and offer outstanding opportunities for solitude or a primitive and unconfined type of recreation.

**Width of Non-Wilderness Corridors along Roads, Trails, and Canals**

The non-wilderness corridor width was established as 1/2 mile (or ¼ mile from the centerline of established roads, trails, and canals). This exclusion area was established to accommodate environmental protection and safety considerations, such as for fire management, exotic/invasive plant and animal control, hunting and retrieval of game, and traditional uses including the gathering of native materials.

For example, all constructed roads, trails, and canal embankments represent a change in elevation that provides an opportunity for non-native plant invasion. The road shoulder, even if represented by only inches in change from natural wetland grade, provides space above standing water for seeds to

germinate if a source is nearby. Most exotic invasives become established more easily in disturbed areas such as raised road shoulders and other significant constructed features. Specific management techniques, including mechanical treatment, are required in these areas to maintain the ecological integrity of the Preserve.

Furthermore, the Preserve's enabling legislation (P.L. 100-301) at Sec. 4 (b) (8) discusses the Secretary's authority to develop rules and regulations necessary to limit or control use of the area with respect to a list of activities including "such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act: *Provided, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.*"

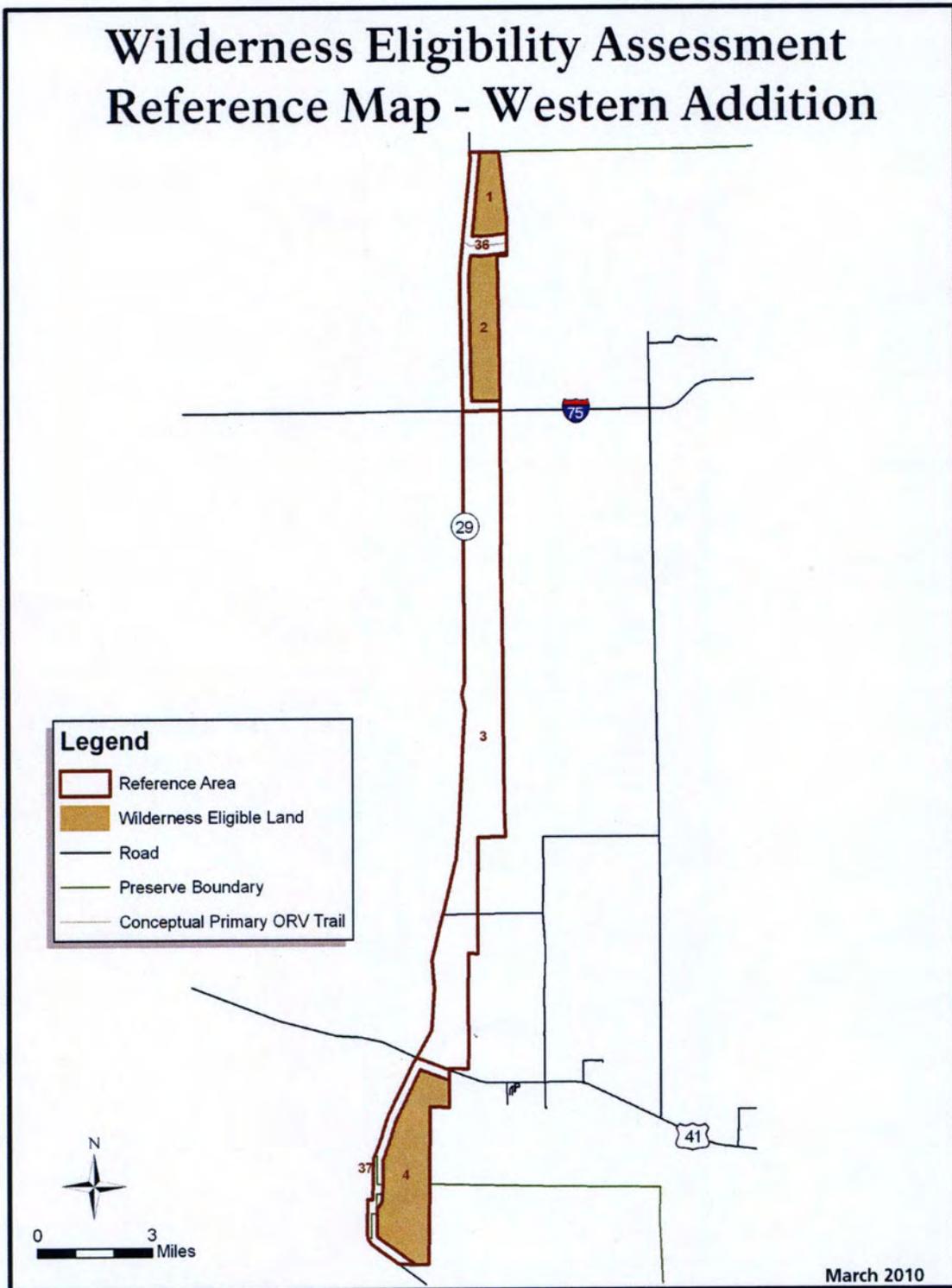
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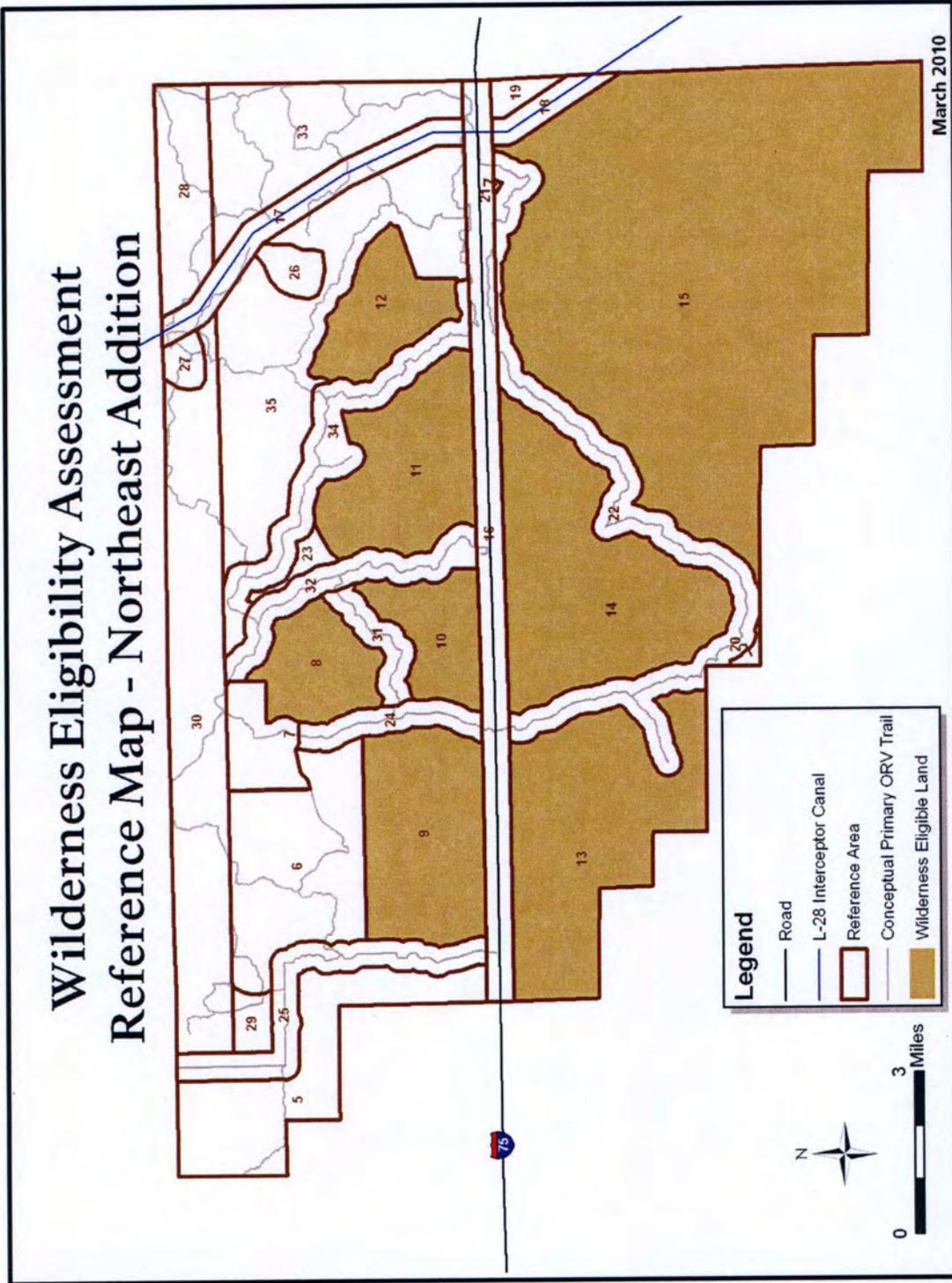
#### SUMMARY

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The table below lists the reference areas and corresponding acreages for the eligible wilderness depicted in the reference maps on pages 11 and 12.

Reference Area No.	Acres
1	988
2	1,808
4	3,422
8	2,458
9	5,475
10	2,325
11	4,901
12	2,694
13	8,530
14	8,904
15	29,758
<b>Total</b>	<b>71,263</b>





## APPENDIX C: CONSULTATION LETTERS



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

September 3, 2009

Mr. Pedro Ramos, Superintendent  
Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, FL 34141-1000

**RE: EPA Review and Comments on Big Cypress National Preserve - Addition, Draft General Management Plan/Wilderness Study, Off-Road Vehicle Management Plan/Environmental Impact Statement - May 2009; CEQ No. 20090229**

Dear Mr. Ramos:

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the subject Big Cypress National Preserve - Addition, Draft General Management Plan / Wilderness Study / Off-Road Vehicle (ORV) Management Plan / Environmental Impact Statement – of May 2009 prepared by the National Park Service (NPS). This draft plan, study and EIS of the Preserve Addition will hereafter be referred to as the Draft Environmental Impact Statement (DEIS).

The NPS finalized a *General Management Plan* for the Preserve in 1991. That plan addressed only the original Preserve and contained no guidance for the Addition. The Addition, located in Collier County, Florida, was established as part of Big Cypress National Preserve. The Addition is about 147,000 acres and consists of two separate areas — the Northeast Addition and the Western Addition. Most of the lands, about 128,000 acres in the Northeast Addition, are northeast of the original Preserve boundary. The Western Addition is an approximately 1-mile strip of land (approximately 19,000 acres) between State Road 29 and the western boundary of the original Preserve.

This DEIS presents four alternatives, including the NPS's Preferred Alternative, for future management of the Addition. The four alternatives include the "no-action" alternative (Alternative A), which describes the continuation of current management direction, and three "action" alternatives (Alternative B, Preferred Alternative, and Alternative F). Additional alternatives (Alternatives C, D, and E) were considered; however, these alternatives were dismissed from further detailed analysis.

The concept for management under Alternative B would be to enable visitor participation in a wide variety of outdoor recreational experiences. It would maximize motorized access, provide the least amount of proposed wilderness, and develop limited new hiking only trails. New visitor and operations facilities along the I-75 corridor

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would also be provided. The key impacts of implementing Alternative B would include moderate, long-term, adverse, and mostly localized impacts on surface water flow; long-term, moderate, adverse and potentially Addition-wide impacts on the control of exotic/nonnative plants; long-term, moderate, adverse and mostly localized impacts on (likely to adversely affect) the Florida panther; long-term, minor to moderate, adverse and mostly localized impacts on (likely to adversely affect) the red-cockaded woodpecker; long term, minor to moderate, adverse and mostly localized impacts on major game species; long-term, moderate, beneficial and Addition-wide impacts on wilderness resources and values; long-term, moderate, and beneficial impacts on visitor use and experience.

Alternative F would emphasize resource preservation, restoration, and research while providing recreational opportunities with limited facilities and support. This alternative would provide the maximum amount of wilderness, no ORV use and minimal new facilities for visitor contact along I-75. The key impacts of implementing Alternative F would include minor, beneficial, long-term, and mostly localized impacts on surface water flow; long-term, minor, adverse, and mostly localized impacts on (not likely to adversely affect) the Florida panther; long term, major, beneficial, and Addition-wide impacts on wilderness resources and values; long-term, minor, beneficial impacts on visitor use and experience.

The Preferred Alternative would provide diverse front country and backcountry recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. This alternative would maximize ORV access, provide a moderate amount of wilderness, provide non-motorized trail opportunities and new camping opportunities, and develop a partnership approach to visitor orientation. New visitor and operations facilities along the I-75 corridor would also be provided. The key impacts of implementing the Preferred Alternative would include moderate, long-term, adverse, and mostly localized impacts on surface water flow; long-term, moderate, adverse and potentially Addition-wide impacts on the control of exotic/non-native plants; long-term, moderate, adverse and mostly localized impacts on (likely to adversely affect) the Florida panther; long-term, minor-to-moderate, adverse and mostly localized impacts on (likely to adversely affect) the redcockaded woodpecker; long-term, minor to moderate, adverse and mostly localized impacts on major game species; long-term, moderate, beneficial and Addition-wide impacts on wilderness resources and values; long-term, moderate, and beneficial effects on visitor use and experience.

EPA submits the following comments on this DEIS for your consideration in the Final EIS (FEIS):

## **General Comments**

### **Alternatives**

The Addition currently has 253 miles of ORV trails. The Preferred Alternative would authorize the use of 140 miles of those ORV trails. The FEIS should identify how it was determined that 140 miles of ORV trails is the least amount necessary in order to provide access throughout the site and still maintain an ecological balance within the Addition. Also, information on the use of the remaining 113 miles of ORV trails located within the Addition should be provided. EPA recommends that any trails not used to be restored to its natural community type.

### **Avoidance and Minimization of Wetland Impacts**

In reviewing the four alternatives proposed, the DEIS did not include information on efforts taken to avoid and minimize wetland and other waters of the US impacts. EPA requests that the FEIS provide information on measures that have been taken to avoid and minimize onsite waters of the US impacts.

To further minimize wetland impacts, please consider the use of lower water crossings during trail restoration. The use of low-water crossings will allow the natural sheet flow of water and still allow the use of the trail for ORV use.

### **Wetland Impacts and Mitigation**

The DEIS did not include information on the total amount of wetland impacts that will occur per alternative and the mitigation necessary to offset those impacts. The FEIS should provide a description of the wetland impacts which will occur by alternative and how those impacts will be mitigated. In addition, a wetland functional analysis for all proposed wetland impacts and mitigation necessary to offset those impacts should be provided. Technical rationale for each score should also be included.

### **Cumulative Impact Analysis**

The DEIS lacked detailed information on the cumulative impacts the proposed alternatives would have on the environment. EPA requests that the FEIS provide a cumulative impact analysis for the entire Big Cypress National Preserve, including the Addition. It is essential that the FEIS provide a clear understanding of the potential direct, indirect (secondary), and cumulative environmental impacts the proposed alternatives will have on the aquatic and other affected resources within the project area in association with other past, present and reasonably foreseeable projects.

### **Specific Comments on DEIS**

#### **Motorized Recreational Opportunities –Trails and Permits (pg. 80)**

The DEIS states that a maximum of 700 ORV permits would be issued annually for the Addition. How was it determined that the issuance of 700 ORV permits would not have a negative impact on the aquatic environment? The DEIS did not provide detailed information.

#### **Restoration (pg. 108)**

The DEIS states that the NPS would restore areas that have been impacted by off-road vehicles within the Addition. The FEIS should document the total number of acres impacted by off-road vehicles, the restoration efforts proposed, and how future off-road impacts will be restricted.

#### **Major Game Species (pg. 186)**

According to the DEIS, the major food source for the Florida Panther is the white-tailed deer. How will the white-tail deer hunting within the Addition be managed to insure it does not have an impact on the Florida Panther's prey supply?

#### **Developed Campgrounds (pg. 200)**

The DEIS states that no developed campgrounds currently exist in the Addition. It is unclear if the NPS is proposing to develop these types of campgrounds within the Addition. The FEIS should be clear on this point and identify any ecological impacts should developed campgrounds be proposed.

#### **Nonmotorized Use (including hiking horseback riding, and bicycling) (pg. 336)**

The DEIS did not provide any discussions on the proposed authorization of horseback riding within the Addition. EPA believes that the FEIS should include restrictions on horseback riding to insure it does not have an adverse impact on the aquatic functions of the Addition.

### **EPA DEIS Rating**

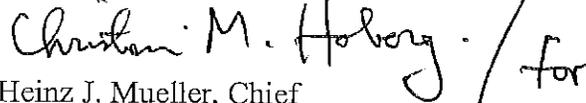
EPA rates this document EC-2 (Environmental Concerns, additional information requested). We have concerns that NPS's Preferred Alternative will have impacts on the environment that could and should be avoided. The DEIS does not contain sufficient information to fully assess the environmental impacts that should be avoided in order to protect the environment. Additional information, data, analyses, or discussion should be included in the FEIS.

**Summary**

EPA finds that the Preferred Alternative may adversely impact surface water flow; the control of exotic/non-native plants; the Florida panther's food supply; the redcockaded woodpecker and localized impacts on major game species. EPA also has concerns for potential impacts to wetlands and other waters of the US. Overall, the aquatic environment could be negatively impacted by the addition of 700 ORV permits in the Addition area. EPA recommends that the FEIS provide a cumulative impact analysis for the entire Big Cypress National Preserve, including the Addition. It is essential that the FEIS provide a clear understanding of the potential direct, indirect (secondary), and cumulative environmental impacts the proposed alternatives will have on the aquatic and other affected resources within the project area in association with other past, present and reasonably foreseeable projects. We also recommend consideration of Alternative F which would emphasize resource preservation, restoration, and research while providing recreational opportunities with limited facilities and support. This alternative would provide the maximum amount of wilderness, no ORV use, and minimal new facilities for visitor contact along I-75.

We appreciate the opportunity to review this document. Please call Ken Clark of my staff at (404) 562-8282 or [clark.ken@epa.gov](mailto:clark.ken@epa.gov) if you have questions on our comments.

Sincerely,

Handwritten signature of Christian M. Hoberg in black ink, followed by a slash and the word "for".

Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management



## United States Department of the Interior

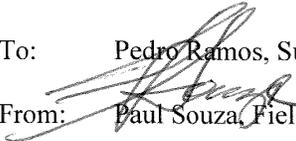
FISH AND WILDLIFE SERVICE  
 South Florida Ecological Services Office  
 1339 20<sup>th</sup> Street  
 Vero Beach, Florida 32960



October 9, 2009

### Memorandum

To: Pedro Ramos, Superintendent, Big Cypress National Preserve

From:  Paul Souza, Field Supervisor, South Florida Ecological Services Office

Subject: Addition Lands Draft General Management Plan Comments, Service Federal  
 Activity Code: 41420-2006-FA-1398

Thank you for the opportunity to provide comments on the National Park Service's (NPS) draft General Management Plan for the Big Cypress National Preserve – Addition (GMP). Your letter, dated July 20, 2009, indicated that the comment period for the draft GMP would conclude on September 30, 2009. We thank you for the extension to provide our comments. The U.S. Fish and Wildlife Service (Service) would like to offer the following comments for your consideration. The comments presented in this memorandum represent those of this office and have been fully coordinated with the Florida Panther and Ten Thousand Islands National Wildlife Refuges (NWRs). We are available to discuss the comments in detail with you and your staff at your convenience.

### PROJECT DESCRIPTION AND BACKGROUND

The development of the GMP for the Addition Lands is an NPS requirement. These lands were not owned by the Federal government when the GMP for Big Cypress National Preserve (BICY) was approved in 1991 (NPS 1991); therefore, a separate GMP must be developed for the Addition Lands. This draft GMP includes four alternatives, including the no-action alternative. The alternatives use the concept of zoning for levels of activity. The four zones described are:

1. Developed – This zone includes Interstate 75 (I-75) access points, orientation and interpretation facilities, comfort stations, boardwalks and trails, administrative facilities, and commercial facilities.
2. Frontcountry – This zone includes recreational access or trailhead parking, picnic areas, orientation facilities, campgrounds, comfort stations, boardwalks and trails, and commercial activities.
3. Backcountry Recreation – This zone includes hiking, backpacking, hunting, fishing, horseback riding, camping, boating, bicycling, and vehicle use. Vehicle use is restricted to designated trails. Public water supply, information/interpretation, ranger stations, fire cache, outfitter/guide activities, and resource protection and monitoring activities are also included.



4. Primitive Backcountry – This zone includes hiking, backpacking, hunting, fishing, horseback riding, camping, and non-motorized boating. Trails will be designated in this zone. Outfitter/guide activities would be permitted and resource monitoring and protection activities would occur.

Alternative A is the “no action” alternative. Under this alternative, the Addition Lands would remain closed to motorized vehicle traffic. Wilderness and Off Road Vehicle (ORV) trails would not be designated under this alternative. Pedestrian use would continue.

Alternative B would provide “maximize motorized access, provide the least amount of proposed wilderness, and develop limited new hiking only trails. New visitor and operations facilities along the I-75 corridor would also be provided.” This alternative includes designation of 140 miles of primary ORV trails and issuance of a maximum of 700 permits, annually. Approximately 48,919 acres of the Addition Lands would be designated as wilderness under this alternative.

The Preferred Alternative would “maximize ORV access, provide a moderate amount of wilderness, provide non-motorized trail opportunities and new camping opportunities, and develop a partnership approach to visitor orientation. New visitor and operations facilities along the I-75 corridor would also be provided.” This alternative also includes designation of 140 miles of primary ORV trails and issuance of a maximum of 700 permits. Approximately 85,862 acres of the Addition Lands would be designated as wilderness under this alternative.

Alternative F would “provide the maximum amount of wilderness, no ORV use, and minimal new facilities for visitor contact along I-75.” While no motorized vehicles would be permitted in the eastern Addition, motorized vessels would continue to be permitted in the western Addition along the State Road (SR) 29 corridor. Under this alternative approximately 111,601 acres would be designated as wilderness.

Additional details on each alternative being considered for inclusion in the National Environmental Policy Act of 1970 (NEPA) review are included in the draft GMP.

### **GENERAL COMMENTS**

The document includes helpful graphics that are easy to read. Please consider adding management unit boundaries and other locations referenced in the text of the document to the maps to improve their utility. The tables provide good information and the formatting is easy to follow. In addition, the background of the history and need for the GMP is well done and informative.

We recommend that the GMP include a list of activities that will require a “least tool” analysis in order to be carried out in a wilderness area. We encourage the NPS to include stakeholders in these analyses. It is our understanding that research and monitoring activities would be allowed in designated wilderness areas provided a “least tool” analysis is performed on the specific

activity or suite of activities. For example, use of ATVs or swamp buggies may be allowed to access designated wilderness areas for such activities as radio-instrumenting panthers or performing other research as long as it meets the “least tool” analysis criteria. If this is not the case, please clarify what research and monitoring activities would be allowed in designated wilderness or the constraints such designation would have on these activities. We share some of the concerns expressed by the Florida Fish and Wildlife Conservation Commission (FWC) and other State partners regarding the potential impacts of wilderness designation on fire management, exotic species control, and panther conservation activities. We encourage you to ensure that any wilderness designation is fully compatible with accomplishing actions needed to appropriately manage fire, fuel, exotic species, and panthers.

Table 1 – Impact Topics. While we agree with most of the “topics” that are dismissed, we believe that some topics should be evaluated further. The Everglade snail kite, American crocodile, and eastern indigo snake should be retained and analyzed because the description in Table 1 suggests a “may affect, not likely to adversely affect” determination. In order to fulfill the requirement of the implementing regulations (50 CFR § 402), an informal consultation is likely to be necessary for those species. Therefore, a complete analysis of the potential effects should be documented in either the GMP or a Biological Evaluation.

The Service believes the NPS should further clarify distinctions across the range of alternatives offered in the draft GMP. Alternative B and the Preferred Alternative appear nearly identical with the exception of the portion of the Addition Lands recommended for inclusion in wilderness designation. In particular, both alternatives include 140 miles of primary ORV trails and 700 annual permits. We recommend clarifying differences and developing a framework for analyzing variations in the amount of trails and number of permits for an adaptive management approach.

The draft GMP does not contain information on administrative (NPS, FWC, researchers, oil and gas operators, contractors) ORV use. Please include information on the type of administrative ORV use that would be allowed in each of the alternatives.

The Cowbell Strand/California Slough area contains large cypress. We recommend this area and the Mullet Slough area remain free of adverse ORV impacts. We recommend that measures be developed and implemented to ensure the hydrologic and ecological integrity of sloughs and prairies is maintained. Please also explain how trails in this area were configured.

As stated in our June 13, 2007, memorandum (attached), we recommend the NPS consider the potential effects that Comprehensive Everglades Restoration Plan projects, particularly the L-28 Interceptor project, could have on the Addition Lands and its hydrology, as well as wildlife use when designing special use zones. Corridor locations for wildlife entering and exiting BICY should be included in the planning and design of management zones.

Information presented on the Florida panther (*Puma concolor coryi*) is dated. This section should present the most current science on the species as well as its status and the status of

Pedro Ramos

Page 4

recovery actions taking place within BICY. Please update the science of the species to enable the NPS to make informed decisions regarding the potential effects of the alternatives on the Florida panther. Updated information on the Florida panther may be found in the 2008 revision of the Florida panther recovery plan (Service 2008).

When considering management of open tidal waters regarding manatee speed zones, NPS must remember that the bay bottoms (submerged lands) are not federally-owned, consequently NPS may have no authority to manage activities on or within the water column. Please clarify if a management agreement with the State has been developed that would enable NPS to enforce state regulations on tidal waters within the BICY boundary.

We support the proposed facility development listed in Alternative B and the Preferred Alternative. At I-75 Mile Marker 51, we recommend that visitor orientation should include information on recreational opportunities on other local public lands including Florida Panther and Ten Thousand Islands NWR and Fakahatchee Strand Preserve State Park. Information on local refuges, parks and forests could also be available at the proposed visitor center at Mile Marker 63. Additional opportunities to promote local public lands and partnerships could occur at Bear Island Grade at SR 29 and Miles City (I-75 at SR 29). It would also be helpful to evaluate the additional access afforded by the I-75 access points as well as the increase in recreational pressure from ongoing residential and commercial development in south Florida.

Level of use restrictions such as management unit quotas for hunting or ORV use, are not mentioned in the draft GMP. As noted in our June 13, 2007, memorandum providing comments on the alternatives described in NPS' Newsletter 3, we recommend determining management unit quotas by vehicle type and number of permits appropriate for a given management unit. We recommend level of use quotas to be established for all management units in BICY, which will help in assessing the effects of specific levels of use on federally-listed species and their habitats.

The proposed trailhead and parking area at Bear Island Grade and SR29 is located adjacent to a panther/wildlife crossing. This proposed trailhead is present in each alternative except the No Action Alternative. We support the compatible development of an access point to BICY; however care must be taken to manage the method of public access (such as self-closing gates, etc.) to prevent panthers/wildlife from accidentally entering the roadway. We believe this area could accommodate a small parking area (8-12 vehicles) for anglers, bicyclists, hikers and hunters. The design of this trailhead and parking area should take into consideration the proximity of the panther crossing and provide vegetative barriers between the visitors and the wildlife bridge. In addition, we believe wildlife would be more likely to use the crossing if the NPS cleared a trail that diverged from Bear Island Grade to the wildlife bridge.

We recommend greater analysis of the impact of non-native animals on fish and wildlife resources in the Addition Lands. Most discussion of impacts of non-native species is limited to plants. Non-native animals, such as the Mexican bromeliad weevil (*Metamasius callizona*), have an impact on rare native plant species. Additionally, the proliferation of exotic fish in south

Florida impacts the aquatic ecosystems in the area. Please address the potential impacts of the spread of invasive non-native animals by human activity in the Addition.

We recommend the GMP further evaluate the level of use appropriate for the Addition Lands prior to opening the area to hunting, ORV use, and other uses. This analysis could include a review of data available, appropriate levels of hunter density, current and projected prey abundance, and other factors that may be important considerations to maintain a sustainable prey base that is essential for conservation of the panther.

Climate change is not mentioned in the draft GMP. Please clarify how climate change was considered in the development of the alternatives and the analysis of the environmental consequences for each alternative.

## **WILDERNESS**

The range of alternatives includes various scenarios for proposed wilderness designation. The document discusses the process for wilderness designation; however, it does not discuss how the amount of wilderness area for each alternative was developed. Please describe how each alternative was designed. In addition, we are concerned that the least tool mandate of the Wilderness Act could constrain effective management of non-native exotic plants and animals, forest management related to red-cockaded woodpeckers, fire management, and research activities in designated wilderness areas. Please describe how wilderness designation in each alternative would affect fuel and fire management as well as endangered species management and research. We recommend considering using other alternatives such as regulations in 36 CFR Volume 1 Chapter I Parts 1-199 to fulfill the purpose of the intent of the Wilderness Act. We recommend that any wilderness considerations carefully evaluate and allow actions needed for fire and fuel management, exotic species control, and panther or other listed species conservation.

## **SPECIFIC COMMENTS**

Chapter 2. The Alternatives, Including the Preferred Alternative.

Page 64 – The section describing how the alternatives were developed should include a description of the analyses used to develop the different alternatives.

Page 65 – Please explain what is meant by the “highest number of advantages” for the Preferred Alternative.

Page 75 and 81 – Please describe the methodology used to conclude that 140 miles of designated trail system was appropriate for the Addition Lands. We recommend using an analysis similar to that developed during the development of the ORV Plan. This analysis included the resiliency of the substrate, sensitivity of the resources present, and proximity to sensitive resources among

Pedro Ramos

Page 6

other parameters. Also, please specify how many miles of secondary trails may be created or opened in the Addition Lands under Alternative B and the Preferred Alternative.

Page 76 – Please describe the amount of additional parking that may be created and the environmental impacts at the I-75 access points.

Page 76 – Please clarify whether additional parking for trailers and access through large gates would be needed at Bear Island Grade and SR29. Any improvements should maintain the integrity of the wildlife crossing and consider keeping the gates closed when not in use, the increase in the footprint of the development of facilities, and the increase in human disturbance. If additional parking is necessary, please evaluate the environmental consequences of such facilities in the GMP.

Pages 80 and 81 –The Preferred Alternative does state that connecting trails from the Addition Lands to Bear Island would require additional NEPA, but Alternative B does not include this statement. Please clarify why this statement was not included in the description of Alternative B or include it in the description of this alternative. Please specify in greater detail how 700 permits were derived and what the environmental effects of issuance of these permits would be on natural resources. The amount of additional parking proposed for the access areas is not enumerated in this alternative either.

Pages 85 and 86 – Please clarify why the area at Carnestown is not proposed for wilderness designation in this alternative.

Page 93 – The monitoring program referred to needs further explanation. Specifically, what is to be monitored, how often, when and where will reports be shared, etc. Please elaborate on the proposed frequency of visitor surveys and include the reference for the process NPS undertakes to create and administer surveys (this could be included as an appendix). Will the ORV Advisory Committee expand their scope to address recreational issues in the Addition Lands? If so the Service offers to review those recommendations as they relate to natural resources, including threatened and endangered species.

Page 94, Table 7 – Please describe in greater detail the methods proposed to monitor the Indicator Topics contained in this table. Also, under the topic Off-trail travel by motorized and non-motorized users, the Standard for this Indicator Topic is “no more than 6 incidences per winter/spring season of off-trail travel for either motorized or non-motorized use”. The Preferred Alternative states that the extent of trails and the number of permits available to the public would be accomplished in phases over five years and the number of permits issued will be prorated to the initial extent of the trail system. Therefore, we recommend the Off-trail travel standard be prorated based on miles of roads available or number of permits issued that year.

Page 97 – Please describe the tire psi rating appropriate for sensitive vegetative communities that will be used as a standard for ORVs using the Addition Lands. We are pleased to see that

tracked vehicles will be prohibited as the impacts resulting from use of this type of vehicle are greater than those with tires.

Page 98 and 104 – The text indicates that different numbers of permits would be included in each alternative. Please clarify where these different numbers of permits are specified.

Page 100 – Please describe how the appropriate level of use, destination, foot traffic preference, hunter densities, prey densities, and other components were included in the analysis used to determine the number of miles of trails and how they relate to the natural resources in the Addition Lands.

Page 104 – We recommend that the number of miles of secondary trails be identified per alternative in the GMP. The Service supports the closure options outlined in the draft GMP. As stated in our June 13, 2007, memorandum, the criteria for high and low water closures should be numeric so it is clear to all users why an area is closed. Please clarify what criteria will be used for trail closure.

Page 105 – The wood stork (*Mycteria americana*) and Florida panther criteria lacks supporting scientific citations. Please ensure that the most current guidelines are referenced and include them in an appendix. In addition, if the guidelines are revised, the version used during development of this document needs to be clear to future readers. For the Florida panther, what research or data were used to determine that a trail would be closed if a den was located within 0.5 miles? Please provide information or citations on the development of these criteria.

Page 106 – Aerial patrols of the Addition Lands are mentioned. We support aerial patrols and monitoring of the natural resources found in the Addition. We believe it would be beneficial to provide more information on the frequency of patrols as well as the protocols and techniques. The protocols and techniques from the original preserve could be used as a guide to further define monitoring and protocols in this GMP.

Page 108 – How will the research included in the GMP be accomplished? The Service is interested in the mechanics as well as the funding mechanisms since these may relate to endangered species recovery and conservation.

Page 108 – The Service supports clearly marking trails to ensure the resources that visitors enjoy at BICY remain intact and unimpaired. Proper trail marking is an important factor in maintaining the natural resources in BICY in good condition. Please consider approaching trail marking in the same manner as channels are marked in navigable waterways. Placing markers on each side of the trail with different colors or arrows pointing toward the center of the trail would ensure users are well-informed on trail location.

Page 121 – We suggest the last word of the first sentence should be changed from “plants” to “species” since non-native plants are not the only invasive species present within the Preserve.

Pedro Ramos

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Page 121 – Under the “Wildlife” section, please change the word “spawning” to “breeding” as not all species are considered to spawn.

Page 121 – Under the Threatened and Endangered Species section, second bullet, we do not believe any of the alternatives would completely eliminate human disturbance.

Page 122 – Please define what is meant by “infeasible” as used in the first bullet.

Page 124 – We are pleased to see that a hunting management plan may be performed in future studies, however, we believe the completion of this hunting management plan should be scheduled prior to opening the Addition Lands to ORV hunting activities and the process for incorporating this information into management decisions be clearly defined.

Page 125 – We believe that all of the alternatives offer opportunities for resource enjoyment, alternatives A and F restrict those opportunities to non-motorized recreation for the most part. Please further define what is meant by resource enjoyment.

Page 127 – The differences between the alternatives dismissed and those considered do not appear to be minor. Some of the alternatives presented in the earlier newsletters included a variety of trail mileage. The Preferred Alternative and Alternative B contain the same mileage of trails but were not identified in the earlier newsletters that solicited comment on alternatives. Please describe, in more detail, the process used to eliminate other alternatives from further consideration.

Page 137 – Summary of Key Impacts Table. We suggest more detail be provided on the alternative’s potential effects on threatened and endangered species. The table appears to repeat the same effects for most of the alternatives included in the document. In addition, the eastern indigo snake (*Drymarchon corais couperi*) should be added to this list.

### Chapter 3. The Affected Environment

Page 163 – There are several references to “grazing allotments and cattle grazing” (page 172) in the draft GMP. Please clarify if grazing is or will be allowed on the Addition Lands. Please provide additional information on the management and the anticipated environmental effects on grazing leases if they are present or anticipated as a component of any of the alternatives analyzed in the GMP.

Page 169 – Please provide detail on the wetland maps referenced. If it is the web based mapping, then the URL should be included. If not web based maps, then the map source and version needs to be included.

Page 170 – This section should be updated with information contained in the 2008 Florida Panther Recovery Plan.

## Chapter 4. Environmental Consequences

Page 240 – In Table 28, the categories of Negligible, Minor, Moderate, and Major are used to categorize the intensity levels of the potential effects the proposed alternatives may have on different resources. For threatened or endangered species, the resulting effect determination included in these columns may not correlate to the Endangered Species Act (16 U.S.C, 1531 *et seq.* as amended, in 1988) definition of minor. For an activity to be “not likely to adversely affect,” the effects of the activity must be insignificant and discountable, that is, they should not be measurable. If this was the intention, then the text should be clarified.

Page 247 – Please provide more detail on the Collier Resources Oil and Gas Plan.

Page 262 – Under the section on the Florida panther, “ongoing vegetation management efforts” are mentioned. Please describe these efforts.

Page 263 – The first paragraph described effects including “flushing and displacement” of panthers. These types of effects are measurable and not likely insignificant or discountable; therefore, they would not qualify as minor effects to the panther. Also, the mention of the 2000 ORV Management Plan is confusing with respect to its relevance to this GMP. The ORV Management Plan specifically excluded the Addition Lands since a GMP was not in place. Please clarify its relevance or remove references to the 2000 ORV Management Plan.

Page 291 – Please define the phrase “to the greatest extent possible” with respect to development of new facilities.

Page 292 – Under Cumulative Impacts, the 2000 OVR Management Plan is referenced without any clarification on its relevance to the GMP. In addition, the Collier Resources Company Oil and Gas Plan of Operations is mentioned but no details or indication of its relevance to the GMP is included. In the second to last paragraph on this page, reference is made to regional growth and development. How is this a cumulative effect of the proposed alternative? Please provide clarification on these points.

Page 368 – In the environmental consequences section for this alternative and all the alternatives, there is insufficient analysis of the potential effects of the actions on federally listed threatened or endangered species. We look forward to discussing the information necessary for a complete analysis of the potential effects of the alternatives on threatened and endangered species that should be included in the GMP or Biological Evaluation.

Page 382 – For your information, we are attaching our June 13, 2007, memorandum that you may wish to include in Appendix C of the GMP.

Pedro Ramos

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### **SUMMARY**

The Service appreciates the opportunity to comment on the draft GMP for the Addition Lands. We hope these comments are useful to you. In summary, our main concerns are the need to fully consider whether or not wilderness designation will meet your resource objectives for the Addition Lands; the number of miles of trails and level of use appropriate for the Addition Lands; and the analyses sections should be more updated and robust. In addition, we recommend clarifying differences in alternatives and developing a framework for analyzing variations in the amount of trails and number of permits for an adaptive management approach. We look forward to further coordination and consultation. If you have any questions, please contact Jane Tutton of my staff at 772-562-3909, extension 235.

### **LITERATURE CITED**

U.S. Fish and Wildlife Service. 2008. Florida panther recovery plan (*Puma concolor coryi*). Third Revision. U.S. Fish and Wildlife Service, Southeast Region; Atlanta, Georgia.

Attachment

cc: Layne Hamilton, Manager, Florida Panther National Wildlife Refuge, FWS  
Nick Wiley, Assistant Executive Director, FWC



## United States Department of the Interior

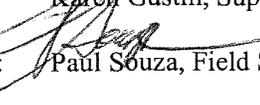
FISH AND WILDLIFE SERVICE  
 South Florida Ecological Services Office  
 1339 20<sup>th</sup> Street  
 Vero Beach, Florida 32960



June 13, 2007

### Memorandum

To:  Karen Gustin, Superintendent, Big Cypress National Preserve

From:  Paul Souza, Field Supervisor, South Florida Ecological Services Office

Subject: Addition Lands General Management Plan Alternatives Comments,  
 Service Consultation Code: 41420-2007-I-0995

This memorandum responds to the National Park Service's (NPS) Newsletter 5 dated April 2007, regarding the proposed alternatives for consideration in the development of a General Management Plan (GMP) for the Addition Lands of Big Cypress National Preserve (BICY). Our comments are intended in the spirit of cooperation in the conservation of fish and wildlife resources at BICY. The Fish and Wildlife Service (Service) is available to continue informal section 7 consultation, in accordance with section 7 of the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*), with the NPS on the alternatives to be selected for further investigation during development of the GMP for the Addition Lands portion of BICY.

### PROJECT DESCRIPTION AND BACKGROUND

The development of a GMP for the Addition Lands is an NPS requirement. These lands were not owned by the Federal government when the GMP for BICY was approved in 1991 (NPS 1991), therefore, a separate GMP must be developed for the Addition Lands. This Newsletter further refines the six alternatives, including the no-action alternative, which was included in Newsletter 3. The alternatives use the concept of zoning for levels of activity. The four zones described are:

1. Developed – This zone includes Interstate 75 (I-75) access points, orientation and interpretation facilities, comfort stations, boardwalks and trails, administrative facilities, and commercial facilities.
2. Frontcountry – This zone includes recreational access or trailhead parking, picnic areas, orientation facilities, campgrounds, comfort stations, boardwalks and trails, and commercial activities.



Karen Gustin

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3. Backcountry Recreation – This zone includes hiking, backpacking, hunting, fishing, horseback riding, camping, boating, bicycling, and vehicle use. Vehicle use is restricted to designated trails. Public water supply, information/interpretation, ranger stations, fire cache, outfitter/guide activities, and resource protection and monitoring activities are also included.
4. Primitive Backcountry – This zone includes hiking, backpacking, hunting, fishing, horseback riding, camping, and non-motorized boating. Trails will be designated in this zone. Outfitter/guide activities would be permitted and resource monitoring and protection activities would occur.

Additional details on each alternative being considered for inclusion in the National Environmental Policy Act of 1970 (NEPA) review are included in the Newsletter.

### GENERAL COMMENTS

Generally, we appreciate the need for Developed Zone locations and most of the Frontcountry Zone locations. Our comments are focused more on the extent of Wilderness designation, Backcountry Recreation, and Primitive Backcountry Zones depicted in the alternatives included in the Newsletter and, where applicable, the extent and location of Wilderness and Frontcountry Zones.

We understand that NPS is currently working with the Florida Fish and Wildlife Conservation Commission (FWC) to inventory wildlife in the Addition Lands. We support this effort and stand prepared to provide assistance as requested.

For your convenience, a current list of threatened and endangered species of potential consideration during the planning process is available at [http://www.fws.gov/verobeach/Species\\_lists/countyfr.html](http://www.fws.gov/verobeach/Species_lists/countyfr.html). Designated critical habitat for the West Indian manatee (*Trichechus manatus*) (50 CFR § 17.95) is present in the southwest Addition Lands. The Service is available to assist in the analysis of the potential alternatives effects on threatened and endangered species and we look forward to continued cooperation to ensure the GMP for the Addition Lands provides opportunities for all uses and users, including natural resources.

The Newsletter did not address whether the number of Off-Road Vehicle (ORV) permits would remain at the cap of 2,000 (NPS 1991) or be increased with the development of the GMP. We believe this issue is important and is needed to fully analyze alternatives. We also recommend that NEPA analysis include the predicted increase in use, and the manner in which this will be monitored and regulated. Specifically, it would be helpful to evaluate the additional access afforded by the I-75 access point as well as the increase in recreational pressure from ongoing residential and commercial development in south Florida. We also would like to recommend that the ORV permit system be reviewed and revised during this effort, which is timely given the FWC recent elimination of hunter quotas for much of BICY. We believe it will be important to

determine management unit quotas for each management unit by vehicle type and determine the number of permits compatible with each management unit. The intensity of ORV use may be more of a factor on panthers and other wildlife more than the length of ORV trails.

We recommend that NPS consider removing the Frontcountry Zone from I-75 along Nobles Grade from the alternatives. This component would require the greatest amount of resource impacts to develop and may be difficult to patrol and police. In addition, we are concerned about potential impacts to manatees and believe NPS should work closely with the State, local governments, and Service to determine the level of motorized boat use and speeds in the southwest Addition Lands that are appropriate, and to limit use and speeds in key locations, as needed. We also recommend NPS consider developing numeric hydrologic triggers for closure of the Addition Lands during this planning process. The high water events of 2005 indicate that the need for closure should be dictated by water levels, duration of inundation, time of year, recession rate, and status of BICY resources. Establishment of specific, measurable criteria could provide visitors and managers with an objective way of understanding when closures are needed.

We recommend NPS consider the potential effects that Comprehensive Everglades Restoration Plan projects, particularly the L-28 Interceptor project, could have on the Addition Lands and its hydrology, as well as wildlife use when designing special use zones. Corridor locations for wildlife entering and exiting BICY should be included in the planning and design of management zones. The effects of management alternatives on Florida Panther National Wildlife Refuge should also be considered in the planning process.

The Service is pleased to see that the Wilderness study has been performed. We request a clarification on the differences between a marine wilderness and a non-marine wilderness. It is unclear in the Newsletter how they are assessed since motorized vehicles traverse and use the southwest Addition Lands and, according to the information in the newsletter, motorized vehicles are prohibited in wilderness areas.

We also recommend that the manner in which enforcement of the selected alternative would be carried out be defined. This effort will be an instrumental part in understanding the potential impacts to fish and wildlife resources.

The new visitor contact stations along I-75 offer great opportunities to promote State and Federal public lands within the Big Cypress Basin. We encourage partnerships with these other land-management agencies to develop displays and educational materials for the new access points at Mile Marker 51 and Mile Marker 63. Additionally, the access points along State Road (SR) 29 also offer opportunities to promote the adjacent public lands along the west side of the highway. This would be another great partnering opportunity for NPS and their adjacent land-management agencies.

### SPECIFIC COMMENTS

Alternative A is the no-action alternative. In this alternative, the Addition Lands would be managed as they are currently. Facilities and access would be limited to those currently in place. Trails would not be designated and improved and the area would remain closed to hunting and ORV use. While this alternative may be the most conservative and protective of existing resources, we understand it does not afford all users the opportunity to recreate in the Addition Lands.

Alternative B places approximately 60 percent of the Addition Lands in the Backcountry Recreation Zone and approximately 40 percent in Wilderness designation. The newsletter indicates that up to 139 miles of proposed primary trails could be designated under this alternative. There are two Frontcountry sites and two developed sites along the SR 29 corridor. The Newsletter states that “facilities and associated activities in these areas would be compatible with management of the adjacent lands within the original preserve.” The extent of Backcountry Recreation Zone in this alternative may be an issue with respect to listed species and resource protection. We also think the boundaries for this zone may be difficult to control or monitor. Two areas in the southern portion of the Addition Lands would remain as Primitive Backcountry and Wilderness, however, these areas are separated from each other by a Backcountry Recreation Zone.

Alternative C includes both Frontcountry and Backcountry Recreation Zones in the southwest Addition Lands and the northern Addition Lands. The southwest Addition Lands in the vicinity of Everglades City would be designated Marine Wilderness. From the information in the newsletter, it is unclear what activities would be allowed in this zone and how wilderness designation would be compatible with Frontcountry recreational activities. A total of three Frontcountry and two Developed Zones would be located along the SR 29 corridor and an additional Frontcountry Recreation Zone would be identified on Nobles Grade north from the I-75 access point at the Mile Marker 63 rest area. This Frontcountry Zone would traverse the Primitive Backcountry/Wilderness zone and lie within the larger Backcountry Recreation Zone in the northern section of the Addition Lands. A portion of the Addition Lands to the north of I-75 and east of the L-28 Interceptor would also be a designated Backcountry Recreation Zone. Ensuring ORVs use designated trails and do not enter the Backcountry Primitive Zone could be a challenge in this alternative. These same issues would apply to the area to the south of I-75 that is designated as Backcountry Recreation in this Alternative. In addition, we are concerned about potential impacts to manatees and believe NPS should work closely with the State, local governments, and Service to determine the level of motorized boat use and speeds in the southwest Addition Lands that are appropriate, and to limit use and speeds in key locations, as needed.

Alternative D has three Developed Zones and a Frontcountry Zone along the SR 29 corridor. The Backcountry Recreation Zone is predominantly located north of I-75 and west of the L-28. There are two Backcountry Recreation primary designated trail corridors through the

Primitive Backcountry/Wilderness Zone north and south of I-75. The corridor originates at the Mile Marker 63 rest area and traverses north along Nobles Grade, then east to intersect the Backcountry Recreation Zone. To the south, the corridor proceeds south to the Addition Lands south boundary, then travels east and north to intersect the Backcountry Recreation Zone at a proposed access point at Mile Marker 51 along I-75. The boundaries of the Backcountry Recreation Zone are variable and may be difficult to identify when in the field. This could make controlling ORV access difficult. Up to 76 miles of primary trails could be designated under this alternative. The Backcountry Recreation Zone in the southwest Addition Lands is also included in this alternative, and as previously stated, we have concerns about the use of motorized vessels in this area. Modifying Alternative D to reduce the overall extent Backcountry Recreation Zone and provide a Backcountry Recreation trail loop, perhaps with secondary trails, is a new alternative option we recommend NPS consider.

Alternative E designates the majority of the Addition Lands as Primitive Backcountry/Wilderness as in Alternative D, however, the Backcountry Recreation Zone is located to the northwest on either side of the L-28. There is a Frontcountry Zone along Nobles Grade similar to that in Alternative C. The spatial extent of Backcountry Recreation Zone is almost identical to that of Alternative D although the location is different. The area designated as Backcountry Recreation is higher in elevation and drier than those portions to the south in the Addition Lands. Compared to Alternative D, Alternative E has one additional Frontcountry Recreation Zone along the SR 29 corridor. We believe this configuration may be more manageable and easier to identify in the field. The Backcountry Recreation Zone in the southwest Addition Lands is also included in this alternative. We are concerned about potential impacts to manatees and believe NPS should work closely with the State, local governments, and Service to determine the level of motorized boat use and speeds in the southwest Addition Lands that are appropriate, and to limit use and speeds in key locations, as needed.

There is a Frontcountry Zone included from I-75 on Nobles Grade. The terminus of this zone is a campground. It may be difficult to ensure that smaller ORVs are not taken onto Nobles Grade. In addition, the campground at the terminus would entail some construction of camp sites, installation of water and comfort stations, and may affect panther use of the area. We do not see any potential issues with the remaining Frontcountry Zones.

Alternative F is the most ecologically conservative alternative depicted in the Newsletter. There are two Frontcountry Zones and one Developed Zone along the SR 29 corridor. The southwestern Addition Lands are designated as Marine Wilderness and Backcountry Recreation. The balance of the Addition Lands is designated as Primitive Backcountry with much of that area designated as Wilderness. While this alternative would have clear fish and wildlife benefits, we recognize it does not afford all visitors some level of use of the Addition Lands. This may encourage trespass activities and violations of area closures.

Karen Gustin

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We understand that the purpose of the Newsletter was to disseminate general information on the alternatives that may be considered in the NEPA process. The brief descriptions of the potential alternatives lead to many additional questions regarding the effects the alternatives may have on fish and wildlife resources, including threatened and endangered species.

We recommend that the rationale for determining the extent of each zone be presented in the NEPA document. While upland areas would be desirable locations for Backcountry Recreation as there would be fewer impacts to wetlands, these areas are more important to panther prey which should be an equal consideration in the planning process.

The Service is available to collaborate with NPS and create a modified alternative that includes a Backcountry Recreation Zone in a loop with secondary trails that also provides maximum conservation of panthers, their prey, their habitat, and other fish and wildlife resources. We look forward to working with you to protect BICY for its conservation and historic value. If you have any questions, please contact Jane Tutton at 772-562-3909, extension 235,

cc:

NPS/DSC, Denver, Colorado (Pat Kenney)

#### **LITERATURE CITED**

National Park Service. 1991. General Management Plan and Final Environmental Impact Statement: Big Cypress National Preserve, Florida. Volume 1. Ochopee, Florida: Big Cypress National Preserve.



LEWIS, LONGMAN & WALKER, P.A.  
ATTORNEYS AT LAW

Reply To: West Palm Beach

September 30, 2009

**VIA EXPRESS MAIL**

Big Cypress National Preserve  
Addition General Management Plan  
National Park Service  
Denver Service Center – Planning  
P.O. Box 25287  
Denver, CO 80225

Dear Sir/Madam:

Our firm has been asked by Mr. Jim Shore, on behalf of the Seminole Tribe of Florida, to provide our comments on the Big Cypress National Preserve Addition Draft Management Plan (“Draft Plan”). The Tribe has several comments based on its review of the Draft Plan.

**GENERAL COMMENTS**

1. The Tribe is concerned that the overall process of selecting proposed alternatives in the Draft Plan is flawed. Specifically, how can the federal agency that initiates the proposed action and authors the Draft Plan then be qualified to objectively evaluate it and select the preferred alternative?

2. The Draft Plan does not clearly justify why the Preferred Alternative was selected over Alternative F. Pursuant to 16 U.S.C. § 1, the purpose of the National Park Service is to promote and regulate the use of the national parks, monuments, and reservations “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” Alternative F ranked highest with regard to fulfilling “the responsibilities of each generation as trustees of the environment for succeeding generations.” Accordingly, Alternative F is arguably the alternative which most conforms to the Service’s purpose.

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3. Though the Tribe knows and understands that the Draft Management Plan's purpose is not to define the Tribe's use and occupancy rights within the Preserve, the Tribe would like to take this opportunity to express its desire to have these rights further defined. Pursuant to 16 USA § 698(j), the "Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the Preserve Addition, including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonials." For over twenty (20) years now the Tribe's usual and customary use and occupancy rights pursuant to the previously mentioned statute have not been defined. The Tribe is concerned that with new privileges being granted to the general public within the Preserve, it will become increasingly difficult to define the Tribe's rights. As the public begins to enjoy its' privileges within the addition and the preserve, defining the Tribe's statutory rights will become even more difficult because some of the public's new privileges will likely have to be curtailed. Therefore, the Tribe would like to take this opportunity to have its' rights further defined so as to avoid any potential conflict with the privileges that are granted to the public within the Addition and the Preserve.

**COMMON BORDER BETWEEN NORTHEAST ADDITION LANDS AND  
SEMINOLE TRIBE OF FLORIDA RESERVATION**

1. The Tribe is concerned that increased Off Road Vehicle ("ORV") traffic in the Northeast Addition Lands along the Tribal Reservation's southern border will facilitate trespassing. Several areas of the fence along the Reservation's southern border are in disrepair. The increase in ORV traffic in these areas will require the Tribe to repair these areas to prevent trespassing. These repairs will be costly because some will require a Clean Water Act Section 404 permit prior to commencing work.

2. The Tribe does not have the resources to patrol the Reservation's southern border. Therefore, the Tribe is concerned whether the Draft Plan will provide for adequate staffing of Northeast Addition Lands' access sites, campsites, and the Addition's interior to implement management strategies and enforce proposed seasonal, nightly, and other closures.

3. The proposed increase in ORV traffic within the Northeast Addition Lands along the Reservation's southern border will facilitate illegal harvesting within the Reservation, specifically within the "Native Area".

4. The Tribe is concerned that the increase in recreational traffic within the Northeast Addition Lands near the Reservation's southern border will increase the incidence of poaching, illegal harvesting or otherwise adversely affect existing populations of over 100 threatened, endangered, or otherwise commercially exploited plant species, including the ghost

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orchid. These species are known to occur within the Northeast Addition Lands therefore they are likely to occur within the “Native Area” of the Reservation as well.

5. There are five invasive exotic plant species common to both the Northeast Addition Lands and the Reservation’s “Native Area” – melaleuca, Brazilian pepper, lygodium, hyacinth, and hydrilla. Currently, the Tribe is actively managing the three former species within the “Native Area” along the Reservation’s southern border. The Tribe is concerned that NPS strategies to manage these species may duplicate or conflict with the Tribe’s strategies. Therefore, the Tribe would like to coordinate its efforts with the NPS.

6. The Preferred Alternative and Alternative B direct backcountry recreation within the Northeast Addition Lands toward the Reservation’s southern border which is utilized as a boundary for these recreation activities despite the presence of alternative boundaries such as the L-28 interceptor canal and Jones Grade Road. Use of the Reservation’s southern border as a boundary for these activities will have adverse impacts to the Tribe’s cultural resources in the area above the L-28 interceptor canal and the Jones Grade Road. Additionally, the presence of hikers and ORVs near the Reservation’s southern border will increase the threats to the Reservation from fire, seed dispersal of exotic vegetation, poaching, and illegal harvesting. Accordingly, the Tribe recommends that ORV traffic be directed away from the Reservation’s southern border and at least be limited to the area south of the L-28 interceptor canal or south of existing campsites.

7. The maps of Alternative B and the Preferred Alternative show a network of proposed hiking and ORV trails within the Northeast Addition Lands leading up to the Reservation’s southern border. The majority of these trails already exist. However, the maps for Alternative F and the No Action Alternative do not show these existing trails.

### **FORRESTRY & WILDLIFE RESOURCES**

1. The increase in ORV traffic coupled with dry weather conditions within the Northeast Addition Lands will increase the threat of wildland fires along the Reservation’s southern border.

2. The preferred alternative illustrates a network of existing trails and ‘islands’ of primitive backcountry in between. Inevitable off-trail ORV traffic will adversely impact these islands, eventually turning them into areas comparable to so-called recreational backcountry areas, similar to those in alternative B.

3. Increases in foot and ORV traffic will disrupt the migration patterns of large mammals between the Preserve and the Reservation, including threatened or endangered species such as the Florida Panther and Florida Black Bear, and major game species such as white-tailed deer and wild turkey.

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4. Increases in foot and ORV traffic will disrupt behavior of wood storks nesting in two historic rookeries near the Reservation's southern border. Although the Park Service staff periodically performs surveys in conjunction with wood stork telemetry flights, they have not documented any new nesting occurrences.

5. The Tribe is concerned that poaching may increase if public hunting is expanded from the Preserve into the Northeast Addition Lands.

6. As previously mentioned, portions of the fence along the Reservation's southern border are in disrepair. This disrepair has been advantageous to wildlife by allowing them to pass through these openings and move freely between the Reservation and Preserve. However, because the increase in foot and ORV traffic in this area will likely lead to increased trespassing on the Reservation, the Tribe will be required to repair these openings.

7. ORV traffic within the Northeast Addition Lands along the Reservation's southern border may reduce or degrade desirable herbaceous groundcover, reducing or eliminating the amount of suitable game and panther prey habitat and further drive game communities away from the area.

8. The increase in ORV traffic within the Northeast Addition Lands may degrade and devalue potential panther denning habitat.

9. Table 11 summarizes impacts identified for each alternative, but limits consideration to only four species, the Florida panther, West Indian manatee, red-cockaded woodpecker, and wood stork.

10. Potential nesting habitat for the red-cockaded woodpecker has been identified in the southern portion of the Reservation. Increases in foot traffic and ORV traffic will likely disrupt the behavior of any red-cockaded woodpeckers attempting to nest within and/or near the Northeast Addition Lands and the Reservation's southern border.

### **SURFACE WATER & WETLANDS**

1. The Tribe and Army Corps of Engineers have spent millions of dollars on the WCP to restore the sheet flow to lands south of the Reservation. The preferred alternative and alternative B will create long term impacts on surface water flow.

2. Trail improvements and associated construction will adversely impact wetlands within the Northeast Addition Lands. The section of the Draft Plan which discusses environmental consequences of the Preferred Alternative claims that "impacts from actions contained in this alternative would not result in impairment of wetlands in the Addition", despite

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acknowledging that the majority of the Northeast Addition Lands have been mapped as wetlands as part of the Fish & Wildlife Service's National Wetland Inventory. Yet the Draft Plan does not acknowledge adverse wetland impacts resulting from the proposed action, nor does it offer compensatory mitigation or specific Best Management Practices to offset or minimize such impacts.

### CULTURAL RESOURCES

1. The Tribe is concerned about the focus of the methodology of the surveys being conducted. The results of these methods can be seen in the results of the field season of 2000, including the discovery of forty archaeological sites. Of these, only one was recognized as having a Seminole component present in the artifact assemblage collected from these sites. It is more likely that the researchers did not recognize the cultural remains that indicated the presence of the Seminole people that occupied nearly every rise in the Big Cypress and Everglades regions over the last three hundred years. Or it may pertain to the methods used. At the Okeechobee Battlefield a few hundred shovel tests and a long trench gave little indication of the army that had occupied the site in 1837, and showed even less evidence of the Seminole camp upon which the military camp stood. There had been thousands of people present at the site during the battle. The fact is that the methodology used by archaeologists tends to favor locating evidence of prehistoric campsites. This is compounded by the duration of the prehistoric Draft Plan occupation versus the relatively short historic occupation, leaving far less evidence of these events.

2. It is not the position of the Tribal Historic Preservation Office ("THPO") that the Seminole occupation of the Everglades has been ignored. The second and third volumes of the Schwadron report of 2005 give descriptions of the recorded sites located within the Preserve lands and here we see that a great number of sites have been recorded as having Seminole components. However, in 1993 the Tribe asked the Archaeological and Historical Conservancy (AHC) to conduct a statewide survey to record all of the known Seminole sites and bring the state records to the Tribal Museum. In addition to this data collection, research was conducted which located twenty-three Seminole towns that were known only by the historic record and had never actually been located and recorded. Examples of sites that were located during this study include Bowlegs Town, east of Tampa; Peliklakaha (Abraham's Town); Coa hadjo's Town; and Charley Emathla's Town. What the 1993 AHC study determined was that a great number of the Seminole sites located in the Everglades and Big Cypress areas were recorded in a manner that was not strictly archaeological. The SEAC surveys conducted from about 1977 to 1981 recorded many Seminole sites by the presence of orange trees (8CR483 is an example) or girdled oaks (8CR449 is an example). While it is likely that these sites were occupied by the Seminole people, there was no archaeological evidence used to make these determinations. It is this lack of developed methodology to define the Seminole occupation of these sites that is our concern. The 1993 AHC report therefore excluded any site that did not have archaeological evidence (*i.e.*, cultural material or food refused in some manner shown to be of Seminole origin) indicating

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Seminole occupation. The upshot of this observation is that we believe that the research design needs to be reassessed to give more consideration to an area of archaeology which seems to need development. That is, the historic component of the Preserve's history.

3. During the last thirty years of archaeological research conducted in South Florida, there is a growing consensus of the significance of the archaeological record of three hundred years of Creek culture presence in the region. At one time Charles Fairbanks, the father of historic archaeology in Florida, concluded that the Creek peoples did not bring their town pattern with them into the territory. It seems that he believed that there was a breakdown of the Creek culture (including the Seminoles and Miccosukees) when they came here. This would explain the failure of the methodology being used by archaeologists to find evidence of the Creek peoples in the area. It also would justify dedicating little time to the study of a culture that had disappeared. However, recent work in South Florida has shown that the traditional Creek Town pattern, particularly as recorded in the eighteenth century in Georgia and Alabama, was in fact transplanted to the southern extremity of the territory. This is particularly important to the Seminole people as it shows that they had in fact managed to protect and maintain their cultural identity in the face of all efforts to exterminate them.

4. A report produced by the THPO of the Tribe entitled "The Snake Creek Community and Big City Island, THPO, 2009", illustrated the presence of a settlement at the headwaters of Snake Creek. Map number 13, shows the archaeological sites that have been recorded that made up this community. While this town is located on the east coast, another similar community existed in the Big Cypress Region. It was connected by a canoe route that shows up on many maps of the period and is the accepted pathway across the peninsula. It connected the Snake Creek Community with the Big Cypress Community. The map designated #11, Tribal Historic Preservation Office – Historical Map of Florida 1839, clearly shows this route. Map #2, which is L89, Record Group 77, Civil Works File, from the National Archives, has been altered to show the present day Big Cypress Reservation. It is depicted in a black outline on the map. From this and other maps we have been able to locate three towns of the Big Cypress Community which are located on Tribal lands. It also allows us to see the early historic town as it lies in relation to the proposed project.

5. What is missing in the interpretation of the historic maps of South Florida is an understanding that the structure of a Creek town is based on clan kinship. For that reason, a "town" is actually made up of numerous camps, or villages, that are centrally organized by the practice of common government through the Green Corn Dance and other ceremonies. When Denise Breit was looking for the town of Miccosukee many years ago she commented on the difficulty of determining which of the concentrations of Creek archaeological remains represented the town which was referred to in history as the mother town of the Miccosukee. In fact, the town was represented by several sites.

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6. The Tribe is also very concerned with the potential impact the Draft Plan's ORV policies will have on the Green Corn Dance site. Currently, the Green Corn Dance site is located on state lands within the Addition north of Interstate 75. It appears from the Draft Management Plan that one of the proposed ORV trails runs adjacent to the Green Corn Dance site. The Tribe is concerned that the noise from these ORVs will interfere with the Tribe's traditional activities associated with this site. The Draft Plan admits that noise from ORVs has adverse impacts on cultural resources and visitors' enjoyment. However, the plan is silent as to noise impact on the Tribe's traditional ceremonies. Furthermore, the Green Corn Dance site is a sacred site whose location is known only to the Tribe. The Tribe is concerned that visitors using the nearby ORV trails will enter the site and damage or destroy the traditional structures therein or reveal its location to others. Additionally, most of the structures at the site are susceptible to fire which could easily be started from a visitor's cigarette or a spark from an ORV. Accordingly, the Tribe would like to work with the National Park Service to restrict access to ORV trails within the vicinity of the Green Corn Dance site.

7. The Tribe is also concerned with access to cultural sites around the Jones Grade Campsite and Jones Grade Road. Despite the fact that these areas are difficult to access, the Tribe continues to encounter people here. Therefore, it is likely that once the Addition is opened to the public, the Jones Grade Campsite and Road will become a popular destination for visitors. The increased visitor traffic in these areas will have an adverse affect on more than a dozen archaeological sites in the area. Among these sites are four (4) burial mounds and the 18th century Seminole town of Assunawah.

8. The Tribe is further concerned about proposed ORV access at Mile Marker 51. It appears that many of the ORV trials accessible from Mile Marker 51 will be adjacent to, or in close proximity to cultural, ethnographic, and archeological resources. Despite education of and restrictions on ORV drivers, users may still decide to wonder from the trails, thus, endangering cultural resources which are not directly next to or on one of the trails. Therefore, the Tribe would like to be consulted with and be kept abreast of all the plans with regard to ORV trails in the Northeast Addition Lands.

Thank you for taking the time to review these comments.

Sincerely,  
  
Stephen A. Walker

SAW:bas  
Enclosures



## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 29, 2009

Mr. Pedro Ramos, Park Superintendent  
Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, FL 34141

RE: National Park Service – Big Cypress National Preserve – Addition  
Draft General Management Plan/Wilderness Study/Off-Road Vehicle  
Management Plan/Environmental Impact Statement – Collier County, Florida  
SAI # FL200907154851C

Dear Superintendent Ramos:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act (16 U.S.C. §§ 1451-1464, as amended), and the National Environmental Policy Act (42 U.S.C. Ch. 55), has coordinated a review of the Big Cypress National Preserve Addition *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement* (the Draft Plan/EIS).

The Florida Department of Environmental Protection (Department) is designated the state's lead coastal management agency by Section 380.22, Florida Statutes (*F.S.*), to implement and enforce the Coastal Zone Management Act (16 U.S.C. 1451, et seq.). The Department has reviewed the Draft Plan/EIS under the provisions of 15 C.F.R. § 930 Subpart C, and hereby notifies the National Park Service (NPS) that the Draft Plan/EIS is inconsistent with the Department's statutory authorities under Chapters 253, 259 and 373, *F.S.* The bases for the Department's objections are set forth below, following a summary of comments received from other state and regional agencies. The comment letters from those agencies are attached and incorporated in this letter by reference.

### SUMMARY OF STATE AGENCY COMMENTS

The Florida Department of Agriculture and Consumer Services' Division of Forestry notes that designation of large areas of wilderness in the Big Cypress National Preserve could significantly increase the risk of severe, damaging wildfires due to the accumulation of fuels. Natural wildfires will not be adequate to control fuels in the wilderness areas, because the historic natural conditions by which fires started and propagated no

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longer exist, and the current landscape is fragmented by transportation corridors and developed areas. The inability to fight wildfires through the use of mechanized equipment in designated Wilderness areas will increase the risk that wildfires will contribute significant amounts of smoke on transportation corridors and in urban and rural areas, causing road closures and potential for damage to adjacent properties. The designation of any area as Wilderness must allow prescribed fire management that approximates historical fire regimes. The fire management program should reduce and maintain fuel loads, and allow the suppression of wildfires that threaten the public and surrounding resources through the use of mechanized equipment, if necessary. Such a prescribed fire program would enhance wilderness values and prevent their degradation from destructive wildfires.

The **Florida Fish and Wildlife Conservation Commission (FWC)** advises that it cannot support the Preferred Alternative, but finds that Alternative B has many of the elements its staff could strongly support if modified as recommended in the attached comment letter. Staff adamantly opposes designation of Wilderness areas in the Addition, as well as the establishment of Primitive Backcountry management zones.

FWC staff states that the Congressional acts establishing the Big Cypress National Preserve and Addition distinguished and set apart these public lands from typical national parks and recognized the importance of local cultural values and traditional recreational uses including fishing, hunting, trapping and associated vehicular access. The acts sought to integrate these values and uses in a unique management partnership between the federal government and the State of Florida. FWC staff believes the proposed Wilderness and Primitive Backcountry designations would result in restrictions on public access that would be inconsistent with these Congressional acts. Moreover, FWC staff believes the Wilderness designation would not be appropriate in these locations due to existing trails, historic patterns of use, and the difficulty in managing natural resources and public access.

The FWC recommends that the Wilderness designation be eliminated and the Primitive Backcountry management zones be changed to Backcountry Recreation management zones. FWC also recommends that the NPS utilize the existing roads and trails to provide a more comprehensive trail system for pedestrian access and other multiple uses. The FWC supports Alternative B's approach for issuing ORV permits for public access in Addition lands, as opposed to the Preferred Alternative's phased-in approach. In addition, FWC requests that the Record of Decision recognize FWC as an equal partner in the decision-making process for management of the Off-Road Vehicle (ORV) trail system.

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The **Florida Department of Community Affairs (DCA)** recommends that the draft management plan be strengthened by a stronger focus on protection of the Addition's less-disturbed areas and restoration of surface hydrology. The agency indicates support for an alternative that designates the area south of Interstate-75 as Wilderness, with an appropriate buffer along the interstate highway and which includes specific authority to conduct fire management and invasive plant management utilizing mechanized equipment, if necessary. DCA recommends that the primary trail system south of I-75 be limited to trails that avoid key habitats and wetlands and minimize fragmentation of habitat. The agency also recommends that the trails south of I-75 be closed to recreational ORV use and thoroughly evaluated to ensure normal hydrologic flow.

The DCA notes that the Draft Plan/EIS did not contain sufficient information to confirm that ORV trails will be managed in a manner that does not impair Preserve resources. The agency therefore strongly recommends that a hydrologic study of the Addition be conducted to evaluate sheetflow impacts caused by the use of ORV trails. DCA also recommends adding enforcement measures to the plan for non-compliance with the Preserve's regulations on ORV use. It also urges completion of the panther behavior studies recommended in the 2000 and 2007 Biological Opinions issued by the U. S. Fish & Wildlife Service for the Preserve's ORV management plan. The agency encourages an appropriate evaluation of the discharge of approximately 60 million gallons of water from the Preserve via the S. R. 29 Canal into Chokoloskee Bay.

The DCA states that it will conditionally concur with the NPS' federal consistency determination if Wilderness designations in the Addition contain specific language authorizing the Park Superintendent to work with other federal, state and local agencies to prevent the spread of exotic plants, to use prescribed fire as a management tool for restoring and maintaining native plant communities, and to allow suppression and containment of wildfires that threaten adjacent natural or built areas by any means deemed appropriate, including mechanized equipment. Further, the final Management Plan must evaluate potential effects that ORV trail usage, maintenance and modifications will have on restoration benefits and surface hydrology associated with Comprehensive Everglades Restoration Plan (CERP) projects within and adjoining the Addition.

**South Florida Water Management District (SFWMD)** staff emphasizes the importance of hydrology and proper management of the water resources within, abutting and adjacent to the Addition lands in all decisions related to implementation of the General Management Plan. Staff recommends that the comments and concerns provided previously by the DEP, SFWMD, Miccosukee Tribe of Indians and Seminole Tribe of Florida be included and addressed in the adopted General Management Plan and final EIS. The SFWMD also suggests a number of updates and edits to the document regarding the Commercial Services Plan, potential limits of the manatee habitat/use areas, and amended Biological Opinion. The document should address the effects of

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management plan implementation on the S.R. 29 (Barron River) Borrow Canal, Everglades City well field, and adjacent CERP projects.

Based on the information provided, the **Southwest Florida Regional Planning Council** (SWFRPC) finds the Draft Plan/EIS “Regionally Significant and Inconsistent”<sup>1</sup> with its Strategic Regional Policy Plan due to its magnitude and impacts on regional resources. Staff states that the alternatives analyses are incorrect in that they overestimate the public benefits and underestimate the adverse environmental impacts of the Preferred Alternative, and underestimate the benefits of Alternative F to the natural environment. In its comment letter, the SWFRPC provides a summary of the alternatives, identifying both beneficial and adverse effects. Staff finds that Alternative F best supports the regional Goals, Strategies, and Actions of the Strategic Regional Policy Plan, while providing more Wilderness area with fewer long-term adverse impacts to the region's hydrology, plants and wildlife. The SWFRPC finds that the Preferred Alternative – as currently presented – will not provide acceptable benefit levels to the region and will not enhance the health, safety and welfare of the region's population and habitats. The Preferred Alternative is, therefore, inconsistent with several Goals, Strategies, and Actions of the Strategic Regional Policy Plan's Natural Resources Element.

The **Florida Department of State** (DOS) has determined that the Draft Plan/EIS adequately addresses cultural and historical resources and concurs with the NPS's choice of the Preferred Alternative, but also agrees with the NPS's finding that implementation of the Preferred Alternative could adversely impact cultural resources. The DOS therefore concurs with the NPS that cultural resource (archaeological and other) surveys/investigations must be conducted in advance of ground-disturbing or other development activities that could adversely affect cultural and historical resources. The resulting surveys/investigations should be forwarded to the DOS for review and comment.

#### OBJECTIONS, COMMENTS AND RECOMMENDATIONS

The Department commends the NPS for its thorough evaluation of Addition lands and attempt to balance resource protection with a variety of public uses, including off-road vehicles (ORV). Even so, however, the Draft Plan/EIS failed to adequately address the following issues with regard to the Addition lands:

1. **Control of invasive exotic species;**
2. **Fire ecology (including suppression, maintenance and control); and**
3. **Design of ORV trails to avoid hydrologic impacts.**

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<sup>1</sup> Use of the term “inconsistent” in this paragraph is an artifact of the Strategic Regional Policy Plan and not indicative of a CZMA consistency determination. The SWFRPC is not a state agency authorized to submit a CZMA consistency determination under the Florida Coastal Management Program.

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### **Exotic Species and Fire Ecology**

The Draft Plan/EIS contemplates several alternatives that would involve designation of thousands of acres as Wilderness areas. The Department is concerned that current management practices in federal wilderness areas prohibit the use of mechanized fire suppression and invasive species control and maintenance. Because the fire-dependent ecosystems of this area cross several state-owned conservation lands and invasive species do not respect artificial boundaries, the prohibition on mechanized management would threaten the natural resources of areas owned by the Board of Trustees of the Internal Improvement Trust Fund (BOT), as well as those lands in the immediate vicinity targeted for acquisition under the *Florida Forever* Program (see attached map). Section 380.055, *F.S.*, contemplates eventual transfer of all of the state-owned lands in the Big Cypress National Preserve Addition to the federal government. The transfer has not been completed, and some of the lands are still titled to the BOT. In addition, most of the instruments conveying lands from the BOT to the federal government contain the following reverter clause:

In the event the United States of America ceases to use the land for purposes of conservation and protection of the natural resources and scenic beauty of the Big Cypress Areas, as set forth in the Big Cypress Conservation Act of 1973 and Public Law 93-440 approved October 11, 1974, title to said land shall automatically revert to the Board of Trustees of the Internal Improvement Trust Fund.

The BOT therefore retains authority over lands that are not yet transferred to the federal government, as well as a possible reverter in the lands previously conveyed. While the Draft Plan/EIS does encompass the purposes of conservation and resource protection, some aspects of the proposed management plan could result in harm to the natural resources contained in these lands.

Section 253.034(1), *F.S.*, states that “[l]ands acquired pursuant to chapter 259 shall be managed to serve the public interest by protecting and conserving land, air, water, and the state’s natural resources. [The] lands shall be managed . . . to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources.” Section 253.034(5)(b), *F.S.*, provides that management goals must include measurable objectives for habitat restoration and improvement, hydrological preservation and restoration, sustainable forest management, and imperiled species habitat maintenance, enhancement and restoration, all of which require appropriate prescribed fire as a management tool. Finally, Section 259.032(10)(e), *F.S.*, requires management plans to contain key management activities necessary to achieve “restoring habitat, protecting threatened and endangered species, controlling the spread of nonnative plants and animals, performing prescribed fire activities, and other appropriate resource management.” Inadequate management activities on federal lands that lie adjacent to state-owned lands could result in harm to resources on state conservation lands and impact state land managers’ ability to implement meaningful control tools.

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**Recommendation/Condition:**

Our review of the 1964 Wilderness Act and the Draft Plan/EIS has found that fire suppression and exotic species control are allowed in areas designated as Wilderness, except that mechanized control is prohibited in those designated areas. To ensure that adjacent natural and built areas are adequately protected from unconfined fires and the spread of exotics, any Wilderness designations in the Addition approved by Congress should contain specific language that allows the Park Superintendent of the Big Cypress National Preserve to work with other federal, state and local agencies to prevent the spread of exotic plants into and out of the Addition and to use prescribed fire as a management tool for restoring and maintaining native plant communities. In addition, any Wilderness designation should allow the Park Superintendent to suppress and contain fires that threaten adjacent natural or built areas by any means deemed appropriate – including mechanized equipment – in coordination with other federal, state and local agencies.

**Hydrologic Impacts of ORV Trails**

In both Alternative B and the Preferred Alternative, the NPS proposes the designation of up to 140 miles of primary ORV trails in the Addition lands. The Department and other state agencies have requested reports on current ORV use in the Preserve, but no reports or other data have been provided.

The Department concurs with the proposal for 140 miles of ORV trails in the Addition, but recommends that a three-year deadline be established for the issuance of the 700 permits described in the Draft Plan/EIS.

An analysis of ORV use under the Preferred Alternative states that improvements to existing trails and development of new ORV trails will create barriers to surface water flows due to raised trail treads, trail heads and general ORV use. Culverts and other best management practices must be used to avoid or reduce hydrologic impacts. The development or improvement of trails and the construction and operation of water control structures must obtain review and approval under Chapters 373 and 403, *F.S.*

**Recommendation/Condition**

Ongoing south Florida ecosystem restoration projects include several proposals for the restoration of surface water flows in the region, including the Big Cypress/L-28 Interceptor Modifications and the Seminole Tribe Big Cypress Water Conservation Plan, designed to reestablish sheet flow and restore the more natural water flows from the Big Cypress Reservation and into the Big Cypress National Preserve. The final Plan/EIS must evaluate the potential effects that ORV trail development will have on restoration

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benefits expected from these projects. The selected plan should detail the proposed activities to facilitate the Department's determination of anticipated adverse impacts to south Florida ecosystem restoration projects identified under 373.470, *F.S.*, and whether the proposed activities comply with the requirements of Chapters 373 and 403, *F.S.*

In addition to the foregoing, the Department has several other concerns that should be addressed in the final plan and prior to the commencement of any activity that would require the issuance or renewal of a state license under Chapters 373 and 403, *F.S.* Final agency action on an application (*i.e.*, issuance or renewal of a license) for any activity regulated by the Department shall constitute the state's final determination on whether an activity is consistent with the federally approved Florida Coastal Management Program. *See* Sections 373.428 and 380.23, *F.S.* The Department has the following additional concerns:

- A. Paragraph 2 of the Department's letter dated August 27, 2001, identified several important issues, including the designation of waters and wetlands as "special waters" – a category of Outstanding Florida Waters that prohibits dredge-and-fill activities not clearly in the public interest. Public access features that involve adverse impacts to wetlands should be avoided. A copy of the 2001 letter is available upon request.
- B. The Florida Scenic Trail traverses the northeast portion of the Addition land and the portion of the Preserve that begins south of I-75. The maps for Alternative B and the Preferred Alternative depict some overlap between ORV and other trails. Potential conflicts should be evaluated and explained in the final Plan/EIS.
- C. Typically, in draft federal actions related to projects or plans of this importance, the NPS consults with the FWC and the U.S. Fish and Wildlife Service regarding Section 7 of the Endangered Species Act. The Department was unable to find in Appendix C any letters or comments from either agency addressing compliance with the Endangered Species Act.

### **Proposed Alternative**

While the Department, DCA and FWC stand ready to defend their respective objections and comments herein, the agencies have reached general consensus on the acceptability of the following modifications:

The designation of 85,000 acres as Wilderness, where ORV use is prohibited, denies reasonable public access to areas open to hunting and other recreational activities. To more closely meet the needs of various user groups, the agencies recommend that the area north of I-75 and the western strip of Addition lands (along S.R. 29) proposed for Wilderness designation under the Preferred Alternative be removed

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from that proposed designation and placed in a Backcountry Recreation management zone. The dominant goals of that management zone are the preservation of natural and cultural resources, restoration of degraded resources, and continuation of natural processes, while allowing compatible recreational uses supported by roads and trails.

In addition, the agencies propose that a half-mile buffer designated Backcountry Recreation be added to the south side of I-75 to accommodate the maintenance of current and future roadway infrastructure, and that a half-mile buffer – also designated Backcountry Recreation – be added to each side of the L-28 Interceptor Canal south of I-75 to the boundary of the Addition to accommodate current and future canal access, maintenance and restoration.

#### **Conditional Concurrence**

In accordance with 15 C.F.R. § 930.4, the Draft Plan/EIS will be consistent with the enforceable policies of the Florida Coastal Management Program and the Department will concur with the NPS' determination that the Draft Plan/EIS is consistent with the previously cited provisions of state law (in Chapters 253, 259 and 373, *F.S.*), **if and only if** the following conditions are satisfied:

- I. Any Wilderness designation in the Addition must include specific language that directs the Park Superintendent of Big Cypress National Preserve to work with other federal, state and local agencies to eradicate exotic plants and animals and prevent their spread into and out of the Addition; to use prescribed fire as a management tool for restoring and maintaining native plant communities; and to conduct necessary law enforcement activities. Any Wilderness designation must also include language directing the Park Superintendent to use the most effective and timely methods for conducting these critical management activities, including the use of mechanized equipment. In addition, any Wilderness designation must allow the Park Superintendent and cooperating agencies to suppress and contain fires that threaten adjacent natural or built areas using the most effective and timely methods, including the use of mechanized equipment.
- II. The final Plan/EIS must evaluate the potential effects that recreational development activities, including ORV trail modifications, will have on the surface hydrology of the area and the anticipated benefits of the South Florida ecosystem restoration projects identified in § 373.470, *F.S.* The selected alternative must provide details regarding proposed trail development and improvement activities, so the Department can determine whether the activities will adversely impact South Florida ecosystem restoration projects and whether the activities may be eligible for licensing under Chapters 373 and 403, *F.S.* The Department's evaluation of the trail development or improvement activities during its review

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of the final Plan/EIS will not bind or prejudice any future determination of the Department or the South Florida Water Management District in their evaluation of applications submitted pursuant to Chapters 373 and 403, *F.S.*, nor shall the fulfillment of this condition for the purpose of the final Plan/EIS's consistency with state law be considered the final consistency determination for any of those applications.

Pursuant to 15 C.F.R. 930.4(a)(2), the NPS must either modify the Draft Plan/EIS to meet the Department's two conditions or immediately notify the Department that the conditions are not acceptable. If the conditions are not met, 15 C.F.R. 930.4(b) directs the parties to treat this conditional concurrence as an objection under 15 C.F.R. 930 Subpart C.

The Department appreciates the opportunity to review the Draft Plan/EIS. Should you have questions or require additional documentation, please do not hesitate to contact Ms. Lauren Milligan, Florida State Clearinghouse Coordinator, at (850) 245-2170 or [Lauren.Milligan@dep.state.fl.us](mailto:Lauren.Milligan@dep.state.fl.us).

Sincerely,



Michael W. Sole  
Secretary

cc: Tom Pelham, Secretary, Florida Department of Community Affairs  
Ken Haddad, Executive Director, Fla. Fish & Wildlife Conservation Commission  
Nick Wiley, Asst. Exec. Director, Fla. Fish & Wildlife Conservation Commission  
Jim Karels, Director, Florida Division of Forestry  
Kenneth Heatherington, Exec. Director, Southwest Fla. Regional Planning Council  
Kim Shugar, South Florida Water Management District  
Laura Kammerer, Florida Department of State  
Jennifer Fitzwater, Florida Department of Environmental Protection  
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Danny Clayton, Florida Department of Environmental Protection  
Kelly Samek, Florida Department of Environmental Protection  
Mary Ann Poole, Fla. Fish & Wildlife Conservation Commission  
David Kennedy, Director, NOAA Office of Ocean and Coastal Resource Mgmt.

## Florida Department of Environmental Protection

### Memorandum

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TO: Lauren Milligan

FROM: Greg Knecht

DATE: September 18, 2009

SUBJECT: National Park Service – Big Cypress National Preserve Addition – Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement – Collier County, Florida SAI # FL09-4851

#### Background

The National Park Service has prepared a draft General Management Plan, Wilderness Study, Off-Road Vehicle (ORV) Management Plan and Environmental Impact Statement, which will be the basis for managing the Addition land over the next 15 to 20 years. The draft plan includes detailed maps and narrative text that describe the four alternatives, including:

- The no-action alternative, which would result in a continuation of the existing management in the Addition. The Addition would remain closed to public recreational motorized use and motorized hunting. No wilderness would be proposed for designation.
- Alternative B, which would enable visitor participation in a wide variety of outdoor recreational experiences. Approximately 48,919 acres of land would be proposed for wilderness designation, and up to 140 miles of sustainable ORV trails would be designated and phased in as part of the conceptual primary ORV trail network. Secondary ORV trails, as defined in the plan, could be designated in any of the backcountry recreation areas, comprising approximately 94,817 acres, or 65 percent, of the Addition.
- The preferred alternative, which would provide diverse frontcountry and backcountry recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. Approximately 85,862 acres of land would be proposed for wilderness designation, and up to 140 miles of sustainable ORV trails would be designated and phased in as part of the conceptual primary ORV trail network. Secondary ORV trails, as

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defined in the plan, could be designated only in the ORV trail corridors and other backcountry recreation areas, comprising approximately 52,431 acres, or 36 percent, of the Addition.

- Alternative F, which would emphasize resource preservation, restoration and research while providing recreational opportunities with limited facilities and support. This alternative would maximize the amount of land proposed for wilderness designation, about 111,601 acres, or 76 percent of the Addition. No ORV use would be available under this alternative.

### Recommendation

We commend the Park Service for its thorough evaluation and attempt to balance the need for resource protection while allowing for a variety of uses, including off-road vehicles. However, we have identified three specific areas that require attention by the Service. First, we believe that the preferred alternative, which proposes wilderness designation of over 85,000 acres, of which off-road vehicle use is precluded, is excessive and removes areas that are open to hunting and other recreation activities from reasonable access.

The Department, in an effort to more closely meet the needs of all the various user groups, recommends that the area north of I-75 and the western addition lands (adjacent to hwy 29) proposed for wilderness designation under the Preferred Alternative be removed and placed in a Back Country Recreation Management Zone. The dominant goal of this management zone is the preservation of natural and cultural resources, restoration of degraded resources, and continuation of natural processes, while still allowing for compatible recreational uses supported by roads and trails.

We concur with the wilderness designation of the land south of I-75 as proposed in the Preferred Alternative, but with the recommendation of including a one-half mile buffer from I-75 in order to accommodate maintenance of current and future roadway infrastructure.

Second, it is our understanding from a review of the 1964 Wilderness Act and the Draft General Management Plan for the Addition land that fire suppression and exotic species management are allowed in areas designated as wilderness. To ensure that adjacent natural and built areas are adequately protected from unconfined fires and the spread of exotics, we ask that any proposed wilderness designation in the Addition that is approved by Congress contain specific language that allows the Superintendent of the Big Cypress National Preserve to

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work with other federal, state and local agencies to prevent the spread of exotic plants into and out of the Addition and to use prescribed fire as a management tool for restoring and maintaining native plant communities. Additionally, the wilderness designation should allow the Superintendent of the Big Cypress National Preserve to suppress fires, by any means deemed appropriate, that threaten adjacent natural or built areas in coordination with other federal, state and local agencies.

Third, we concur with the proposal for 140 miles of ORV trails and recommend that a three-year deadline be established for the issuance of the 700 permits. . . Additionally, as addressed in number 4 below the Department needs to be consulted in the design and construction of the proposed ORV trails to ensure that any effect to water resources are acceptable under the Department's permitting authority.

#### Specific Comments

In addition to the comments above, we have several specific comments that would need to be addressed as part of the selected plan and/or prior to any proposed activities that would require the issuance or renewal of a state license in accordance with Chapters 373 and 403 Florida Statutes (F.S.). In accordance with Subsection 373.428 and 380.23, F.S., final agency action on an application (i.e. issuance or renewal of a license) for any activity regulated by the Department, shall constitute the State's final determination as to whether an activity is consistent with the federally approved Florida Coastal Zone Management Program.

1. Paragraph 2 of the Department's August 27, 2001 letter identifies several important issues, including the designation of waters and wetlands as "special waters," a category of Outstanding Florida Waters that prohibits dredge and fill activities not clearly in the public interest. Access features that involve adverse impacts to wetlands should be avoided.
2. The Florida Scenic Trail traverses the Northeast portion of the Addition land and the Preserve beginning south of I-75. A review of the map of Alternative B and the Preferred Alternative appears to have overlap with ORV and other trails. Potential conflicts should be evaluated and explained in the final document.
3. ORV use is contemplated in Alternative B and the Preferred Alternative. Our previous comment letter requested a report on the monitoring results of

Ms. Lauren Milligan  
September 18, 2009  
Page 4

current ORV use in the Preserve and potential future use to be analyzed to determine possible effects on the Addition.

4. An analysis of ORV use under the Preferred Alternative states that development, including improvements to existing trails and up to 140 miles of ORV trails will create barriers to surface water flow due to raised trail treads and ORV use. Culverts and other best management practices are to be used to reduce these impacts, but long-term, moderate to severe localized impacts are expected to occur. Information concerning the construction of trails and construction and operation of water control structures that will have or have the potential to adversely affect water resources of the state shall require appropriate review and approval under Chapter 373 and/or 403 F.S.

5. Ongoing south Florida ecosystem restoration projects include several proposals for restoration of surface water flows in the region, including the Big Cypress/L-28 Interceptor Modifications and the Seminole Tribe Big Cypress Water Conservation Plan that are designed to reestablish sheet flow and restore the more natural water flows from the Big Cypress Reservation and into the Big Cypress National Preserve. The document should evaluate the potential affects that the ORV trail development will have on the restoration benefits expected from these projects. Proposed activities should be further detailed as part of any selected plan in order to facilitate the Department's determination as to whether any adverse affects to south Florida ecosystem restoration projects identified under 373.470 F.S. are anticipated and whether the proposed activities are licensable under Chapter 373 and 403, F.S.

6. Typically, in draft federal actions related to projects or plans of this importance, there is consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act and related consultation with the Florida Fish and Wildlife Conservation Commission. We did not find any letters from either agency addressing compliance with the Act in Appendix C.



Florida Department of Agriculture and Consumer Services  
CHARLES H. BRONSON, Commissioner  
The Capitol • Tallahassee, FL 32399-0800  
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Please Respond to:  
Florida Division of Forestry  
3125 Conner Boulevard  
Tallahassee, Florida 32399-1650  
Phone: 850-488-4274

August 26, 2009

Lauren P. Milligan, Environmental Manager  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Stop 47  
Tallahassee, Florida 32399-3000

Dear Ms. Milligan:

Thank you for the opportunity to comment on the National Park Service Draft Plan/Environmental Impact Statement regarding Big Cypress National Preserve (SAI#: FL200907154851C).

Designation of large areas of wilderness in the Big Cypress National Preserve could significantly increase the risk of severe wildfires in the designated wilderness area due to the accumulation of fuels. Natural wildfires will not be adequate to control fuels in the wilderness areas because the landscape context in which these fires historically started and propagated no longer exists. This landscape is fragmented by transportation corridors and developed areas outside the Preserve, in which wildfires are controlled by wildfire suppression efforts. Wildfires that do occur in the unnaturally accumulated fuels will not behave as historical natural fires did. Their higher intensity and more complete coverage of the wilderness area will most likely cause severe damage to the vegetation and wildlife in the wilderness area.

The inability to fight wildfires in the designated wilderness will increase the risk that these wildfires will contribute significant amounts of smoke on transportation corridors and in urban and rural areas. Wildfires in this and surrounding areas frequently cause this main east-west artery (I-75) to be closed for extended periods. Major, uncontrollable wildfires in the designated wilderness will increase the risk that these wildfires will escape into surrounding areas and be even more difficult to control. A wilderness designation will exacerbate this situation as the use of mechanized equipment would be prohibited thus slowing suppression efforts. Uncontrollable wildfires that escape from the wilderness area will cause significant damage to natural and cultural resources, including residential, commercial and agricultural development.



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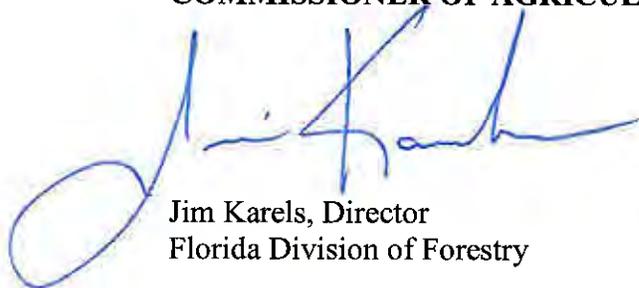
Ms. Lauren P. Milligan  
August 26, 2009  
Page Two

If a wilderness area is to be designated, the designation must provide for prescribed fire management in the wilderness area that approximates the historical fire regime. This prescribed fire program should be aimed toward reduction and maintenance of fuel loads, and provide for the ability to suppress wildfires that threaten surrounding resources and the public either through excessive smoke or through escaping wildfires. Such a prescribed fire program would enhance wilderness values and prevent their degradation from destructive wildfires. If a wilderness area is designated in the southeast corner of the addition boundary as shown on map 4 alternative B, it would help to alleviate some of the fire management concerns. This configuration would eliminate wilderness property along I- 75 corridors where active fuel management could be carried out thus reducing the impacts of wildfire.

Thank you for the opportunity to provide input into this land designation proposal.

Sincerely,

**CHARLES H. BRONSON**  
**COMMISSIONER OF AGRICULTURE**



Jim Karels, Director  
Florida Division of Forestry

JRK/fw



September 8, 2009

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Ms. Lauren Milligan  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, Florida 32399-3000

Re: The Big Cypress National Preserve Addition, Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement, SAI #FL200907154851C, Collier County

Dear Ms. Milligan:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Big Cypress National Preserve's (BCNP) Preferred Alternative for the General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement ("draft GMP") and provides the following comments and recommendations in accordance with the BCNP Addition Act [Public Law (P.L.) 100-301], the National Environmental Policy Act, and the Florida Coastal Management Program/Coastal Zone Consistency Act.

As a cooperating manager of BCNP as the Big Cypress Wildlife Management Area, the FWC sincerely appreciates the leadership of Pedro Ramos, Superintendent of BCNP, and the dedicated work of National Park Service staff throughout this critical planning process. We appreciate their decisions to integrate several major planning elements into this draft GMP so the Addition can be opened for a broad spectrum of public access soon after the final GMP is approved and published. We also appreciate their willingness to include FWC staff in earlier reviews of the draft GMP, their willingness to listen to our concerns and ideas, and the fact that many of our suggestions are reflected in the draft GMP. We look forward to a time in the near future when the Addition is open to the full enjoyment of the public while protecting the natural diversity and integrity of this precious ecosystem as envisioned by Congress.

We have provided detailed comments and recommendations in the enclosed report. Below is a summary of our major findings:

1. We cannot support the Preferred Alternative, but find that Alternative B has many of the elements we could strongly support if modified as recommended in our report.
2. We adamantly oppose the wilderness designation in the Addition and the establishment of primitive backcountry management zones because this is a misapplication of wilderness designation. The Addition already has a significant number of trails with historic patterns of use. Further, wilderness designations would hinder management of natural resources and public access. We recommend that the wilderness designation be eliminated and the primitive backcountry management zones be changed to backcountry recreation management zones.

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well-being and the benefit of  
people.*

---

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Ms. Milligan  
Page 2  
September 8, 2009

3. While we fully support a designated trail system for off-road vehicles (ORVs) and the proposed trails for non-motorized access, many miles of old roads and trails that have been in existence for more than 20 years are not designated for public use in the draft GMP. We recommend the National Park Service take full advantage of these existing roads and trails to provide a much more comprehensive trail system for pedestrian access and other multiple uses.
4. We support the approach in Alternative B for issuing ORV permits for public access into the Addition, as opposed to the phased-in approach proposed under the Preferred Alternative. Moreover, we urge the National Park Service to specify in the Record of Decision that they will recognize the FWC as an equal partner in the decision making process regarding management of the ORV trail system including closing or opening trails for ORV access.

The FWC has enjoyed a nearly four-decade history of partnering with the National Park Service at BCNP, and co-managing the original BCNP as the Big Cypress Wildlife Management Area. Since the BCNP Addition was established in 1988, the FWC has supported and encouraged including these public lands into the Big Cypress Wildlife Management Area to provide a full suite of public access and recreation including hunting, fishing, trapping, and other forms of recreational access consistent with the original purposes for establishing BCNP. We continue to support the inclusion of the Addition into the BCNP/Wildlife Management Area system to provide a diversity of fish- and wildlife-based recreational opportunities for the public.

We look forward to working with BCNP and other involved federal and state agencies, as well as with regional agencies and governments, to formulate the most appropriate approaches to managing significant resources in and associated with BCNP to maximize benefits to the public and fish and wildlife conservation. If you have any questions or would like to follow up on issues discussed in this letter or the enclosed report, please contact Chuck Collins, the Director of the FWC's South Region at 561-625-5131.

Sincerely,



Nick Wiley  
Assistant Executive Director

nw/mp

cc: National Park Service, Denver Service Center, Big Cypress Planning Team  
Superintendent Pedro Ramos, Ochopee, Florida

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## PROJECT DESCRIPTION

On July 10, 2009, the National Park Service (NPS) published the draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement for the Big Cypress National Preserve (BCNP), which selected the Preferred Alternative from the revised alternatives for a General Management Plan (GMP) to manage the Addition over the next 15 to 20 years.

### *Alternatives*

Four alternatives were considered in the preparation of this document: Alternative A, or the No-Action Alternative; Alternative B; the Preferred Alternative; and Alternative F. The Preferred Alternative would allow off-road vehicle (ORV) use with up to 140 miles of sustainable primary trails, gradually allow up to 700 permits for ORVs, provide new access points for other forms of recreational use (e.g., hunting, hiking, bicycling), and designate approximately 85,862 acres of wilderness in the Addition. It would also designate developed (18 acres), frontcountry (11 acres), backcountry recreation (52,431 acres), and primitive backcountry (93,426 acres) of management zones. Secondary ORV trails, as defined in the plan, could be designated only in the ORV trail corridors running through wilderness and backcountry primitive recreation areas. The proposed designated trail system under the Preferred Alternative would restrict use of motor vehicles and other mechanical transport to the designated trails.

The No-Action Alternative would maintain current conditions, including no motorized access into the Addition and no wilderness designation or frontcountry, primitive backcountry, backcountry recreation, or developed management zones in the Addition.

Alternative B would allow ORV use with up to 140 miles of sustainable primary trails and a limit of 700 ORV permits, provide new access points for other forms of recreational use (e.g., hunting, hiking, bicycling), and designate approximately 48,919 acres of wilderness in the Addition. It would also designate developed (18 acres), frontcountry (6 acres), backcountry recreation (94,817 acres), and primitive backcountry (51,045 acres) management zones.

Alternative F is the most restrictive alternative, prohibiting any ORV use except to provide access to owners of private inholdings, and designating about 111,601 acres of wilderness, nearly the entire amount that the NPS deemed eligible through their wilderness study. It would also designate developed (15 acres), frontcountry (6), backcountry recreation (3,422 acres), and primitive backcountry (142,442 acres) management zones.

### *Wilderness Designation and Establishment of Management Zones*

An interdisciplinary NPS team evaluated the Addition in 2006 to determine what portions of the BCNP would be eligible for a wilderness designation. The basis for this review was whether the area had the following characteristics:

1. “Generally appear to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable,
2. Be undeveloped and retain its primeval character and influence, without permanent improvements or human habitation,
3. Be untrammelled by man, where man himself is a visitor who does not remain,
4. Offer outstanding opportunities for solitude or a primitive and unconfined type of recreation, and
5. Be protected and managed so as to preserve its natural conditions” (p. 114 of the draft plan).

Table 2 (“Management Zones”) in the draft GMP provides a comparison of the expected conditions, visitor experience, and appropriate types of facilities and activities for each type of management zone; however, we found no criteria outlined by which the NPS determined which parts of the Addition, in its current condition, qualified for the types of zone proposed.

## BACKGROUND

The BCNP, comprising 582,000 acres in southwest Florida, was initially established on October 11, 1974, by P.L. 93-440. BCNP was expanded by an additional 147,000 acres in 1988 by Public Law (P.L.) 100-301, which is known as the “Addition Act.” Under P.L. 93-440, the purpose for designating these lands as a national preserve was “...to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof...” Section 5 of P.L. 93-440 requires that the Secretary of the Interior shall permit hunting, fishing, and trapping in accordance with federal and state laws and further requires that any restrictions relating to hunting, fishing, or trapping can be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Section 10 of P.L. 100-301 states that “The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, wildlife protection, hunting, fishing, frogging, and other traditional opportunities in conjunction with the creation of the Addition...”

The Florida Fish and Wildlife Conservation Commission (FWC) has enjoyed a nearly four-decade history of partnering with NPS at BCNP, having dedicated staff to help co-manage the original BCNP as the Big Cypress Wildlife Management Area (WMA). Since the BCNP Addition was established in 1988, the FWC has supported and encouraged including these public lands into the Big Cypress WMA to provide a full suite of public access and recreation including hunting, fishing, trapping, and other forms of recreational access consistent with the original purposes for establishing BCNP. In June of 2008, the FWC Commission took action in the form of a strong resolution and letter expressing concern that it has taken too many years for NPS to open the Addition to public access and hunting, and urging NPS to expedite the planning process; open the Addition to the public as soon as possible; and provide traditional forms of public access that are in high demand in south Florida and long overdue on the Addition.

## CONCERNS, ISSUES, AND RECOMMENDATIONS

### OVERVIEW

FWC staff reviewed all of the alternatives within the context of our longstanding cooperative relationship with NPS, a long history of experience managing fish and wildlife resources and public hunting in the BCNP, and the pertinent acts of Congress that mandate recreational access for the public balanced with responsible management and protection of fish and wildlife resources and their habitats. Staff finds that the FWC cannot support the Preferred Alternative, primarily because of the proposal to designate parts of the Addition as wilderness and the establishment of the backcountry primitive management zone, and because of the phased approach taken to allowing ORVs access to the designated trails. On the other hand, Alternative B has many of the elements of an alternative that we could strongly support. We do not support the No-Action because it maintains the status quo of no motorized access to the Addition, nor do we support Alternative F because it also does not allow motorized access to the Addition.

#### *Concern: Wilderness Designation*

Although the FWC understands that Congress mandated a wilderness study for the Addition, we adamantly oppose the designation of 85,862 of wilderness in the Addition. The concept of wilderness has become an established part of the nation's land-use policy to preserve natural areas, and as such has come to represent an expectation that wild areas are places where natural processes can proceed unimpeded by human actions. In Florida, experience has taught us that this expectation is impossible to attain and that this approach is, in fact, the antithesis of natural resource management in much of Florida.

Two concerns in particular lead us to this conclusion. One is the expectation that wildfires ignited by lightning would run their courses naturally, resulting in naturally maintained ecosystems. That is almost never the case in Florida because the landscape has been profoundly altered by canals, levees, roads, and other man-made structures that impede fire. Altered fire cycles caused by infrequent burning allow the accumulation of plant litter, which in turn acts as fuel for catastrophic wildfires that cause adverse ecological impacts.

The other concern is that, while the wilderness designation is intended to provide a level of security that these areas will not be further degraded, our experience in south Florida has shown us that managers must have flexibility to react quickly to unanticipated stressors on the natural system. An obvious and recent example of this need to react quickly and decisively is the invasion of Burmese pythons in south Florida. While contingencies can be written into the plans for managing specific wilderness areas, it is impossible to conceive of every situation that may arise in the future. This has shown itself to be particularly true in south Florida, where the hydrologic regime has been so altered, management options constrained, and exotic plant and animal species have been introduced with unexpected and undesirable consequences.

In terms of resource protection, we believe that the same level can be achieved on the Addition without designating acreage as wilderness. The main advantage of wilderness designation therefore seems to be some perceived assurance that protection of the lands and their resources would be more permanent than without the designation. The concern is that, for instance,

without wilderness designation, resource protections could be undone based on changing management philosophies of NPS staff. This concern over the permanence of resource protection is unfounded. Levels of protection are ensured by the GMP, which is developed through a public process, and it is our understanding that any departures would necessarily have to be cleared through a NEPA process for revising the GMP. The purpose of wilderness designation of Addition lands, therefore, must be seriously questioned given the lack of real benefits and the strong potential for wilderness designation to hinder necessary management.

These factors cannot be ignored given that wilderness designation is such a serious decision with long-term consequences once adopted by Congress.

***Concern: Primitive Backcountry Management Zone***

Our concerns with respect to establishing portions of the Addition as a primitive backcountry management zone closely parallel our concerns about designating portions as wilderness. While the primitive backcountry management zone may not preclude rapid responses to unexpected resource management problems, it is similar in that it may prohibit access by motorized vehicles.

***Concern: Phased Approach to Allowing ORVs Access to Trails***

The Preferred Alternative would allow up to 700 ORV permits in a phased approach, with the number of permits issued being proportional to the amount of trail established at the time. The draft document provides no information as to how frequently the level of access would be assessed, nor does it offer an expected time of trail completion. The FWC is very sensitive to the fact that it has taken over 20 years since establishment to open the Addition to all public access except a limited amount on the Florida Trail. Given this history, we have reason to be concerned that an open-ended phased approach will also take a long period of time.

***Issue: Compatibility of ORV Use with Natural Resource Management***

From our experience in managing the Bear Island Unit of the BCNP, and from data collected on the response of the Florida panther to existing ORV use, we believe that responsible management of ORV use is compatible with the goals of resource management including protection of imperiled species such as the Florida panther.

## **DETAILED REVIEW**

### **Wilderness Designation and Primitive Backcountry Management Zone**

All of the alternatives except the No-Action Alternative include a wilderness designation ranging in total acreage from 48,919 up to 111,601, most if not all of which is also managed as primitive backcountry. All of these alternatives designate wilderness both north and south of Interstate 75 (I-75) and along a roughly one-mile strip running along the eastern side of State Road 29. All of these alternatives except Alternative B designate the bulk of the Addition (the northeastern component) as wilderness and propose most of this component to be managed as primitive backcountry.

As the following comments are considered, it is important to keep in mind the definition of “wilderness” under the Wilderness Act of 1964, which follows: *“A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain.”* Wilderness designation under this act generally prohibits road construction, use of motor vehicles, use of motorized equipment, landing of aircraft, other forms of mechanical transport such as bicycles, and commercial enterprises.

The FWC recognizes the value of wilderness designation in certain ecosystems or landscapes where Wilderness Act prohibitions and restrictions are necessary and warranted; however, we have found significant fault regarding the process and, consequently, the findings of this NPS wilderness study. The study was completed entirely by NPS staff; we are not aware of any consultation with or participation by other partner agencies in developing this study. Because several state and federal agencies play key roles in managing the network of public lands in which BCNP is embedded, we believe that NPS should have reached out to its local neighboring managers and cooperating agencies in developing this study. Consultation with cooperating agencies could have addressed many questions and concerns up front and ensured an objective and fully informed result.

FWC staff, with years of direct knowledge and experience in the Addition, can see no basis for characterizing the proposed wilderness areas as having “the imprint of man’s work substantially unnoticeable” since these areas have been subjected to agriculture, cattle raising, logging, and oil exploration. Some portions are infested by exotic vegetation. These areas are crosscut and fragmented by numerous trails; contain private inholdings; and are positioned immediately adjacent to I-75, which is a major corridor for vehicular traffic across south Florida. Florida Department of Transportation estimates of vehicular traffic on this part of I-75 ranges from 17,500 to 21,709 AADT (average annual daily traffic).

The most striking example of the misapplication of wilderness designation is the “western addition.” Clearly this area does not meet the definition of wilderness and should not have been identified as eligible for wilderness. This property is highly subject to the influence of anthropomorphic factors (e.g., exotic plants and animals, feral animals, and wildfires) and does not conform to the definition of “untrammelled” as “not confined or hindered, not limited; being free and easy” (NPS 2009). On the contrary, this narrow strip of land, which is bordered by SR 29 with a canal and fence running the length of the road and with private property dispersed throughout, does indeed appear to be “confined.” It also does not conform to the criterion of “[o]ffer[ing] outstanding opportunities for solitude or a primitive and unconfined type of recreation.” The draft GMP even notes that “[o]pportunities for solitude in the western Addition are reduced due to the presence of developed areas along the highway corridors, such as near Miles City, Copeland, Carnestown, and Everglades City, and near popular areas like Bear Island Grade.”

We have serious concerns about the unintended consequences of federal wilderness designation in the Addition. Furthermore, we find that it is unnecessary, unwarranted, and will significantly impair the ability of the NPS, FWC, and other management partners to carry out management activities that are critical to fish and wildlife conservation and maintaining public access on a

long-term basis. Moreover, FWC asserts that the proposed designated trail system, along with the fact that these lands are established as a “national preserve”, will provide the same level of resource protection and higher recreational values as wilderness without severe restrictions on active resource management and public access.

Finally, we note that the various wilderness areas are proposed on top of a primitive backcountry management zone designation. While primitive backcountry management zones are not as restrictive on management and public access as wilderness, FWC asserts that this designation is unnecessary given that motorized uses will be managed through a designated trail system.

### *Management Challenges for Addition Areas Designated as Wilderness*

There is no question that active management is needed to effectively sustain native plant and animal species, particularly imperiled species, given the threats from exotic plants and animals, presence of fire-dependent plant communities, and the dynamic nature of south Florida hydrology. The FWC is seriously concerned that active management would be significantly reduced under wilderness designation primarily due to restrictions on motorized vehicles and equipment and constraints on timely use of the most effective methods and technology available. Experience with other wilderness areas in Florida suggests the “minimum tool” process for authorizing certain management tools as allowed in the Wilderness Act is simply not an effective approach for managers to maintain the integrity and stability of native fish and wildlife populations and habitats over the long term, particularly in south Florida. The complex south Florida environment creates problems for natural resource managers because of a highly managed hydrology, limited management options due to the existing infrastructure, and the introduction of exotic plants and animals. The BCNP Addition is clearly an area for which wilderness designation could do more harm than good over the long term.

Mechanized vehicles and equipment are essential to other important management activities within the Addition. For example, panther biologists frequently encounter unplanned situations that require the use of mechanized equipment for research, tracking, or collaring activities. Law enforcement officers also routinely encounter situations that require quick action and mechanized equipment to protect the public, natural resources and enforce existing laws. We realize there are contingencies in wilderness areas to address situations such as search and rescue; however, time is sometimes critical and rescuers must be allowed to spontaneously change tactics. In these situations, we cannot afford a lengthy approval process to identify the minimum necessary tools to be compatible with wilderness restrictions, and we do not believe it is feasible to secure approval in advance when many situations and circumstances are unpredictable and unforeseeable.

### *Concern: Management Challenges Associated with Invasive Exotic Species*

Invasive exotic plant and animal species in south Florida are a serious threat to the ecological integrity and stability of native fish and wildlife populations. The draft GMP provides a good overview of ongoing active management efforts necessary to control particularly invasive and harmful exotic plants including melaleuca, Brazilian pepper, and old world climbing fern. The draft GMP lists “controlling invasive alien species” as a permitted management activity in

wilderness; however, the FWC is very concerned that some of the most effective methods of treatment requiring use of mechanized and aerial equipment will be restricted or prohibited in portions of the Addition designated as wilderness, and that many of the roads and trails necessary for access to treat exotic plants or capture exotic animals are likely to be off limits to vehicular access as well.

The FWC understands how challenging and costly it can be to control exotic species and how much impact, if left unchecked, these exotic species can have on native fish and wildlife and their habitats. We believe for these reasons, it would be a serious mistake to designate wilderness where the “forces of nature would be allowed to operate unrestrained and unaltered” in the Addition. We believe that, over the long term, managing the area according to the requirements of the Wilderness Act of 1964 in the Addition would eventually transform into an exotic landscape bearing little resemblance to native Big Cypress ecosystems we treasure today. This outcome would clearly violate the very purposes Congress identified in P.L. 93-440 and P.L. 100-301 for establishment of the BCNP and the Addition. The FWC places these purposes above any value that may be associated with wilderness designation over such a large portion of the Addition and takes little comfort in the “minimum tools” approach to address these concerns.

The FWC has had extensive experience with managing lands invaded by exotic plants and animals. We are the lead manager for the majority of the Everglades Water Conservation Areas and several other large properties in south Florida where exotic plants and animals are a major ongoing management problem. The FWC is partnering with a number of state and federal agencies, including NPS at BCNP, to implement aggressive measures to control the spread of reptiles of concern, specifically Burmese pythons. In addition, since its inception in 1997, Florida’s invasive plant management program, which is now housed in FWC, has spent \$1,031,656 to actively treat upland exotic plants on BCNP, and over \$92,000,000 has been expended on upland exotic plant control treatments statewide with a large portion of this effort focused on south Florida.

These are just a few examples of our experience with exotic plants and animals and basis for our strong interest in maintaining flexibility to use all available management tools to actively and aggressively address this serious problem. Many of the problems associated with invasive exotic species we are fighting today are ones that were not foreseen, but we have learned that the most effective responses often require rapid and innovative solutions.

***Recommendation:*** *We adamantly oppose and very strongly recommend withdrawal of the wilderness designation, and recommend replacing the primitive backcountry management zone with a recreational backcountry management zone to maintain the flexibility for natural resource managers to respond timely and efficiently to unexpected natural resource management challenges related to control of exotic invasive species.*

#### *Concern: Challenges Associated with Fire Management*

Many of the habitats in the Addition so critical for maintaining native wildlife diversity depend on frequent fire. In fact, according to the draft GMP, roughly 90% of the Addition consists of plant communities that require periodic fire for perpetuation. The draft GMP does an excellent

job explaining the importance of frequent fire in the Addition and the serious implications when areas go without natural or prescribed fires for even a few years. The following excerpt from the draft GMP illustrates this point:

*“Although periodic surface fires tend to maintain certain communities, extreme fire conditions can dramatically alter plant, and consequently animal, distribution. When the fire cycle is retarded, organic materials accumulate and create hazardous fuel levels that can threaten even fire-tolerant species. Prolonged droughts or human-caused drainage can dry out the organic soils of many plant communities and, when coupled with hazardous fuel accumulations, can result in intense fires that consume organic soil materials. Peat fires, as such fires are called, can literally burn the soil out from under established vegetation, radically changing the plant composition. Peat fires tend to lower the surface level of the burned area, thereby extending the hydroperiod and affecting the replacement vegetation. The pond in the middle of a cypress dome, for instance, may be enlarged by a peat fire. In an extreme example, a hardwood hammock on deep organic soil may be completely burned and replaced by an open pond.”*

FWC views prescribed fire as another active management tool that would be compromised and constrained by wilderness designation. Historically, before roads and canals were established and hydroperiods were altered significantly, natural lightning-ignited fires would provide the frequent fire necessary to maintain these habitats. Human influences have changed the landscape in the Addition so much that natural fires do not burn frequently enough, wildfires burn with too much intensity, and prescribed fires are necessary to maintain native fire-dependent plant communities and protect against catastrophic wildfires. Effective use of prescribed fire over large landscapes requires use of mechanized equipment and a good network of roads and trails accessible by managers only for these purposes. The Addition has an extensive network of roads and trails that were historically used to manage and contain fire when these lands were in private ownership. Under wilderness designation, most of this trail system would be off limits to vehicular access even for prescribed burning by NPS staff.

While “fire management activities (including fire suppression)” are listed in the draft GMP as permitted in wilderness, a review of wilderness management suggests that fire management tools and tactics are significantly restricted in wilderness areas. This makes it much more difficult for managers to burn enough land with enough frequency to sustain key wildlife habitats and prevent catastrophic wildfires over the long term. This situation is further complicated by the presence of I-75 and State Road 29 corridors. Without the use of mechanized equipment and existing roads and trails, it will be difficult, if not impossible at times, to keep the size of prescribed burns small enough for safe and effective smoke management thus preventing potential danger to motorists on these busy roads.

***Recommendation:*** *As with concerns with management of invasive exotic species, we adamantly oppose and very strongly recommend withdrawal of the wilderness designation, and recommend replacing the primitive backcountry management zone with a recreational backcountry management zone to maintain the flexibility for management of fire as necessary for protecting the integrity of native fish and wildlife habitats.*

The preceding clearly illustrates critical concerns regarding wilderness and resource management in south Florida. FWC views the designated trail system proposed under Alternative B without wilderness as the absolute best approach for retaining the flexibility for management activities critical for protecting the integrity of wildlife habitats and sustaining appropriate public access. The designated trail system would be well defined and limited by the GMP without the wilderness or primitive backcountry designation. Pedestrian access would be the only way the public can access lands outside the designated trail system. This is essentially the same access situation with wilderness/primitive backcountry. Any other wilderness prohibitions not addressed by the designated trail system, to the extent they are really necessary, could readily be provided through federal or state regulations. This approach maintains much greater flexibility to adapt to changes over time given the dynamic nature of south Florida ecosystems.

### **Public Access and the Designated Trail System**

The FWC applauds and fully supports elements of Alternative B that provide a range of options for public recreational access including hiking trails, ORV trails, multiple-use trails, and use of ORVs on designated trails for public hunting and fishing. A review of the history and records associated with establishment of the BCNP and the Addition leaves no doubt that the U.S. Congress and the State of Florida intended to provide traditional recreational opportunities, including vehicular access for public hunting and fishing. These are the fundamental purposes behind the designation of this area as a “*national preserve*” rather than a “*national park*.” The records associated with establishment of BCNP indicate that the “*national preserve*” designation was used in this region of Florida to recognize and preserve traditional uses and methods of access including ORV access and hunting that typically would not be allowed on lands designated as a “*national park*.” Central to these traditional uses and of particular importance to FWC is access for public hunting and fishing associated with the “Gladesmen” culture in south Florida as described by Greg Smith in an *Ethnographic Study of Traditional Cultural Properties of the Gladesmen Culture* authorized by the U.S. Army Corps of Engineers in association with the Comprehensive Everglades Restoration Plan and published in May of 2009.

#### ***Issue: Compatibility of ORV Trails with Resource Management Needs***

The proposed system of designated ORV trails in Alternative B is more aligned with the original intent of the enabling legislation for the purpose of providing access for traditional and cultural uses, provided this access is managed and regulated in a manner similar to that on the Bear Island Unit of BCNP. The traditional and cultural uses referenced in the enabling legislation historically depended on the use of vehicles for access. FWC staff asserts that the designated trail management system in place on the Bear Island Unit and other portions of BCNP have clearly demonstrated how ORV access and public hunting can be successfully integrated with other recreational uses and natural resource protection. We commend NPS staff for responding to the input and interests of the people who wish to explore and enjoy the Addition by vehicle using a sustainable designated trail system. We further commend NPS staff for honoring the intent and spirit of the Congressional acts and associated federal and state laws that established the BCNP and the Addition by allowing use of ORVs for public hunting and fishing.

***Issue: Compatibility with Florida Panther Conservation***

The FWC also commends NPS staff for recognizing the importance of implementing public access in the Addition in a manner that is compatible with managing and protecting Florida panthers. We are pleased to see Alternative B and the Preferred Alternative include a designated trail system with careful management of ORV access and public hunting in partnership with FWC. Our partnership in this regard reflects a long history of experience and success on the original BCNP where we have adjusted hunting and public-use regulations, including use of ORVs, over the years to ensure that these activities are compatible with panther conservation. FWC panther biologists have reviewed tracking data, published literature, and internal NPS and FWC reports and have concluded that BCNP supports more panthers today than when this species was first listed as an endangered species in 1967 (FWC 2008). We cannot say whether this increase in numbers is the direct result of our joint management efforts, the population hitting a critical mass that allowed for rapid expansion, the fact that all subspecies of puma are highly adaptable, or most likely, a combination of these and other factors. The FWC believes strongly, however, that panthers and public use, including the use of ORVs and hunting, would also be compatible on the Addition as long as appropriate management strategies such as those in place on the Bear Island Unit are established and implemented.

Several reports and biological opinions reference the 2002 Janis and Clark study as the best available science with regard to panther response to ORV use. This report suggests that ORV use during hunting season has an effect on panther movements, but indicates these effects are probably minor from a biological perspective (Janis and Clark 2002). In fact, Janis and Clark (2002) observed that panthers were located 683 meters from designated ORV trails during hunting season and 503 meters away from trails before hunting season which is a difference of 180 meters, and this difference may be the result of deer moving away from trails followed by a panther response to their prey movements. The FWC asserts that the suggestions of the Janis and Clark (2002) study should be considered in the context of panther population changes over time, current ORV trail management practices in BCNP, as well as the ratio of ORV trails to available panther habitat on BCNP. It is clear that panther populations in the Big Cypress area have increased significantly over the past 15 years while at the same time trail-based ORV use has been permitted across much of BCNP. FWC's panther team have found that ORV trails are utilized by panthers as they move throughout their home ranges as evidenced by tracking surveys and camera traps. The designated ORV trail system represents a small fraction of the landscape within BCNP, and large blocks of habitat are available through which no vehicular access is permitted. This would also be the case on the Addition with the designated trail system proposed under the Alternative B and the Preferred Alternative. When these factors are all considered together, they do not support the conclusion that ORV use and hunting in the Addition as with the rest of BCNP under a designated trail management system is detrimental to panthers.

***Concern: Connectivity of the Addition Trails with Those on Existing BCNP Units***

The draft document does not address connectivity between authorized trails on the original portion of the BCNP and those proposed under Alternative B and the Preferred Alternative. Establishing a trail system that connects the existing with the proposed trails would allow users more convenient access to the rest of the preserve. This action would accommodate the future

integration of the Addition into the Corn Dance and Turner River units for hunt management purposes and would allow more seamless management of the BCNP as a whole.

**Recommendation:** *Establish a trail system connecting the Addition to bordering BCNP. We also recommend expanding the use of the Bear Island/State Road 29 access point to include recreational access for the Addition. This would provide an additional access point for the western portion of the area from the Bear Island Unit.*

**Issue: Enforcement of ORV Use on Designated Trail System.**

FWC asserts that NPS has a strong set of regulations and educational programs to assure ORV use of designated trails is enforceable. FWC enforcement has worked closely with NPS enforcement to develop and implement a successful approach to enforcement of ORV use in the original BCNP. The recent track record for enforcement of designated trails in the original BCNP should serve as an excellent example of this success. We have forged a close enforcement partnership with NPS and are working to formalize this partnership in a mutual aid agreement. FWC is fully committed to providing law enforcement support and resources as needed to insure ORV use of designated trails in the Addition is enforced appropriately. For these reasons, FWC is highly confident of enforcement capabilities with regard to the designated trail system and believes successfully focusing vehicular access on the designated trail system is a key to protecting fish and wildlife species and habitats in the Addition while providing appropriate access for public use and enjoyment.

**Recommendation:** *Complete and execute a mutual aid law enforcement agreement between NPS/BCNP and FWC to formalize our law enforcement partnership as soon as possible.*

**Concern: Pedestrian Access**

While the FWC fully supports a designated trail system that allows ORV/vehicular access for the public, we also believe it is highly desirable to make use of the larger network of open roads and trails for pedestrian access. We note that there are many miles of old roads and trails in the Addition that were not identified as sustainable for multiple use or ORV use. As we understand all of the alternatives except the No-Action Alternative, these old roads and trails would be open for pedestrian access, but there is no plan to formally designate and maintain these trails for continued use. We believe this approach is missing an important opportunity to provide additional access throughout the Addition for hiking, wildlife viewing, hunting, and other multiple uses.

We understand trail management and maintenance would be required to keep a system of pedestrian trails open and accessible for the public. If these trails are not formally designated for multiple uses and necessary management in the final GMP, the FWC is concerned that they will not be maintained and will eventually close in with native and exotic vegetation and no longer be accessible to the public.

**Recommendation:** *We highly recommend a modification of the draft GMP to formally designate, open and maintain a large portion of these roads and trails for multiple uses. We would*

*encourage linkages to access points and primary ORV trails throughout the addition to facilitate sustainable pedestrian access across more of the property. Additionally, we would welcome the opportunity to partner with NPS to help develop a more comprehensive pedestrian trail system in the Addition and would be happy to endorse Recreation Trail Program grant applications for both pedestrian and ORV trail projects.*

***Concern: Phasing in ORV Trail Access***

The FWC is extremely sensitive to the fact that it has taken an inordinate number of years to open the Addition to public hunting and ORV access. Given this history, it is reasonable to have strong and valid concerns that phasing in ORV access across the Addition, as proposed by the Preferred Alternative, may likewise take a long period of time.

We assert that a quota-based permitting system should be used to manage the levels of ORV use throughout the designated trail system. This approach will show a good faith effort to more fully allow public ORV access across the entirety of the Addition. The FWC is fully committed to continue working closely with NPS to open all designated ORV trails for access to public hunting as quickly as possible.

***Recommendation:*** *We recommend retaining the approach proposed by Alternative B, which does not incorporate phased-in ORV access. Moreover, given the provisions of P.L. 93-440 and P.L. 100-301 that call for cooperation and consultation with the State of Florida, the FWC urges NPS to specify in their final record of decision that NPS will fully consult and cooperate with FWC in any and all decisions regarding the initial opening of designated trails for ORV access and subsequent decisions regarding closing or opening designated trails to ORV access. It should be specified in the final Record of Decision that “consult and cooperate” means that the FWC and NPS shall share in the decision-making process and that such decisions will not be finalized or implemented without the consent and support of both parties.*

## SUMMARY

The FWC fully supports the incorporation of the Addition into the BCNP/WMA system to provide a diversity of fish and wildlife based recreational opportunities for the public. We applaud NPS for proposing significant opportunities for public access and recreation. We cannot support the Preferred Alternative, but do find that we could support a revised version of Alternative B if it incorporates the recommendations in this report and our cover letter. Primary among those modifications, the FWC respectfully requests and strongly urges that NPS withdraw the proposal to designate any of the Addition as federal wilderness and replace the primitive backcountry management zone with the backcountry recreation management zone. We do not believe the original purposes for establishing the BCNP and the Addition can be achieved with this area set aside as wilderness or primitive backcountry, and we believe this wilderness proposal suffers seriously from a lack of collaboration with the State of Florida and cooperating agencies regarding several key concerns as outlined in this letter. Also, we urge NPS to expedite the process for opening all designated ORV trails to public access as quickly as possible. We value our partnership with NPS staff at BCNP and are committed to working with them

throughout the remainder of this process to develop the best possible package of protections for fish and wildlife resources while providing ample opportunities for public access and enjoyment.

**References Cited:**

- FWC. 2008. A Summary Report on: Public Use, Off Road Vehicles, and Florida Panthers in the Big Cypress National Preserve and the Addition. Unpublished report dated December 29, 2008. Tallahassee, FL.
- Janis, M.W., and J.D. Clark. 2002. Responses of Florida panthers to recreational deer and hog hunting. *Journal of Wildlife Management* 66:839-848.
- NPS. 2009. Big Cypress National Preserve: Frequently Asked Questions about Wilderness

# Resolution

**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
RESOLUTION REGARDING  
The Draft GENERAL MANAGEMENT PLAN for  
the BIG CYPRESS NATIONAL PRESERVE ADDITION**

**WHEREAS, the Florida Fish and Wildlife Conservation Commission is a constitutionally created agency dedicated to managing fish and wildlife resources for their long-term well-being and the benefit of people, and**

**WHEREAS, the Big Cypress National Preserve was established by an Act of the United States Congress to preserve and protect natural scenic, hydrologic, floral, faunal, and recreational values of the Big Cypress Watershed, and**

**WHEREAS, the Big Cypress National Preserve Addition was established by an Act of the United States Congress to provide public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve, and**

**WHEREAS, the State of Florida was a major partner with the Federal Government in the acquisition of the lands that compose the Addition, and**

**WHEREAS, the express intent of the Congressional acts establishing the Big Cypress National Preserve and Addition is to distinguish and set apart these public lands from typical national parks and thereby recognize the importance of local cultural values and integrate those values into a unique management paradigm that provides for traditional public use and enjoyment of south Florida's natural resources, and**

**WHEREAS, these acts of Congress or implementing federal laws call for the Federal Government and its agencies to cooperate with the State of Florida to establish wildlife protection and recreational opportunities, and**

**WHEREAS, these acts of Congress or implementing federal laws require that hunting, fishing, trapping, and other traditional recreational opportunities shall be permitted in the Big Cypress National Preserve and Addition, and**

**WHEREAS, these acts of Congress or implementing federal laws call for the National Park Service to consult with the State of Florida prior to implementation of regulations restricting activities, and**

**WHEREAS, these acts of Congress or implementing federal laws require that any action by the National Park Service to control or limit the use of motorized vehicles must be reasonable, equitable, and justified in terms of public enjoyment and important resource protection, and**

**WHEREAS, the Florida Fish and Wildlife Conservation Commission strongly believes in making public lands as accessible as possible to the public for their use, education, and enjoyment while maintaining fish and wildlife conservation values, and**

**WHEREAS, on July 10, 2009, the National Park Service has published a draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement for the Big Cypress National Preserve Addition, which includes a Preferred Alternative for public access and management, and**



Florida Fish  
and Wildlife  
Conservation  
Commission

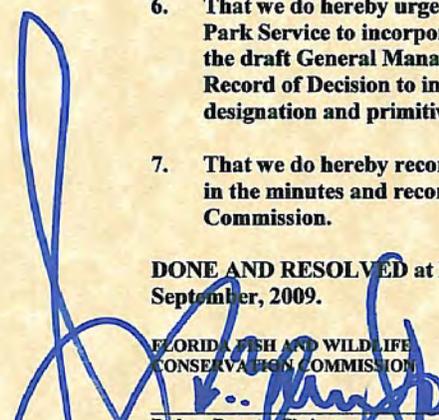
**WHEREAS, the period for public review and comment on the draft General Management Plan for the addition is currently open, and staff of the Florida Fish and Wildlife Commission has submitted comments on behalf of this Commission,**

**NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission in a duly constituted and assembled meeting:**

- 1. That we do hereby express our firm support for the comments submitted by Commission staff dated September 8<sup>th</sup>, 2009;**
- 2. That we do hereby applaud elements of the draft General Management Plan that provide a diversity of public access and recreation that includes a designated trail system that will support enjoyment of these lands by the public;**
- 3. That we do hereby emphasize the Commission's adamant opposition to wilderness designation in the Addition as proposed in draft General Management Plan alternatives;**
- 4. That we do hereby express strong concern that the wilderness designation would unnecessarily hinder natural resource management including control of invasive exotic species and maintenance of native fish and wildlife habitats;**
- 5. That we do hereby express strong concern that proposed wilderness designation and primitive backcountry management zones as proposed in draft General Management Plan alternatives would not provide necessary flexibility for management of public access and would result in restrictions on public access too far below appropriate and sustainable levels;**
- 6. That we do hereby urge the Department of the Interior and the National Park Service to incorporate Commission recommendations regarding the draft General Management Plan for the Addition into the final Record of Decision to include removal of proposed wilderness designation and primitive backcountry management zones;**
- 7. That we do hereby record the sentiments of this resolution forevermore in the minutes and records of the Florida Fish and Wildlife Conservation Commission.**

**DONE AND RESOLVED** at Howie-in-the-Hills, Florida this 9<sup>th</sup> day of September, 2009.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

  
Rodney Barreto, Chairman

  
Kathy Bares, Vice-Chair

  
Ronald M. Bergeron, Commissioner

  
Richard Corbett, Commissioner

  
Dwight Stephenson, Commissioner

  
Kenneth W. Wright, Commissioner

  
Brian Yablonski, Commissioner

Attest:

  
Lucy Hedblad



STATE OF FLORIDA

**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

September 29, 2009

Ms. Lauren P. Milligan  
Florida Department of Environmental Protection  
Florida State Clearinghouse  
3900 Commonwealth Boulevard, M.S. 47  
Tallahassee, Florida 32399-3000

Re: SAI# FL200907154851C

Dear Ms. Milligan:

The Department of Community Affairs (Department), pursuant to its role as the state's land planning agency, has reviewed the Big Cypress National Preserve Draft Management Plan (Plan), dated May 2009, for consistency with its statutory responsibilities under the Florida Coastal Management Program, which includes Chapter 163, Part II, and Chapter 380, Florida Statutes (F.S.). The Preserve is located in the Big Cypress Area of Critical State Concern; therefore, development must also be consistent with Section 380.055, F.S., Chapter 163, Part II, F.S., Rule 28-25, Florida Administrative Code (F.A.C.) and the local Comprehensive Plan.

Prior to Congressional approval of the Big Cypress National Preserve, the Florida Legislature enacted "The Big Cypress Conservation Act of 1973," Section 380.055, F.S. The stated purpose of these regulations is to conserve and protect the natural, environmental and economic resources and the scenic beauty of the Big Cypress Area.

**Recommendations**

The Department believes that the draft management plan should be strengthened through a stronger focus on protection of the Addition's less disturbed areas and on restoration of the surface hydrology.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)  
♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

Ms. Lauren P. Milligan  
September 29, 2009  
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Specifically, the Department supports an alternative that designates the area south of Interstate 75 as wilderness with an appropriate buffer along the interstate, and which includes specific authority to conduct fire management and invasive plant management utilizing mechanized equipment, if necessary. The primary trail system within the wilderness area south of I-75 should be limited to those trails that avoid key habitats and wetlands and minimizes fragmentation of habitat. To better complement the wilderness designation, the Department recommends that these trails be closed to recreational ORV use, but that the trails be available for access to private inholdings and utilized for fire protection and suppression, management of exotic vegetation and authorized research. Further, these trails should be carefully evaluated to ensure that grade, orientation and sufficient culverts (where appropriate) are present to maintain the normal hydrologic flow regime and preserve conditions necessary to sustain the area's wetlands.

Rule 28-25.008, F.A.C., requires that transportation facilities that would retain, divert or otherwise block surface water flows shall provide for the re-establishment of sheet flow and provide for passage of stream, strand or slough waters. The Management Plan does not contain sufficient information for the Department to confirm that ORV trails will be controlled in a manner that does not impair the resources of the Preserve beyond those impacts already acknowledged by the Plan. Consequently, the Department strongly recommends a hydrologic study of the Addition be conducted to fully evaluate the impacts to sheetflow by the continued use of ORV trails. The study should examine ORV impacts throughout the Addition and as relates to the hydrological integrity of the rest of the Preserve and all ecosystem restoration measures defined in the Final Plan accordingly.

There is no mechanism in the Plan for assessing ORV impacts on soils and wildlife, or for rescinding ORV permits or enforcing regulations. The Department recommends adding enforcement measures with appropriate penalties for non-compliance with the Preserve's rules regarding the use of ORVs. The Department urges completion of the panther behavior studies that were recommended in both the 2000 and 2007 Biological Opinions issued by U.S. Fish and Wildlife Service for the Preserve's ORV Management Plan.

The Department encourages increased coordination with restoration efforts of the South Florida Water Management District and the Florida Department of Transportation to appropriately evaluate the discharge of the nearly 60 million gallons of water from the Preserve, via the SR 29 Canal, into the estuarine waters of Chokoloskee Bay.

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September 29, 2009  
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Resource management strategies should be consistent with the Comprehensive Everglades Restoration Plan (CERP) and evaluate the role of Addition Lands in meeting restoration goals of the South Florida ecosystems. CERP projects will significantly increase water conveyance through the Addition Lands, improving sheet flow and water quality in the Greater Everglades ecosystem, including Big Cypress National Preserve. As a result, activities that adversely affect Addition resources may jeopardize the effectiveness of the CERP improvements.

The L-28 modification project identified in the Comprehensive Everglades Restoration Plan is intended to reestablish sheetflow from the West Feeder Canal across the Big Cypress Reservation and into the Big Cypress National Preserve. However, it is not clear how the development of facilities such as trails, trailheads, access points, visitor centers and campsites that are outlined in the *Preferred Alternative* would be consistent with the Comprehensive Everglades Restoration project located within the Addition Lands. The Plan should identify areas of development that would be affected by CERP projects.

### **Conditional Concurrence**

The Department will conditionally concur with the National Park Service's determination that the Draft Management Plan is consistent with applicable state law (Section 380.05, F.S., and Rule 28-25.008, F.A.C.), if and only if the following conditions are fully satisfied:

- I. Wilderness designations in the Addition approved by Congress must contain specific language that authorizes the Park Superintendent of Big Cypress National Preserve to work with other federal, state and local agencies to prevent the spread of exotic plants into and out of the Addition and to use prescribed fire as a management tool for restoring and maintaining native plant communities. In addition, any such Wilderness designation must allow the Park Superintendent to suppress and contain fires that threaten adjacent natural or built areas by any means deemed appropriate – including mechanized equipment – in coordination with other federal, state and local agencies.
- II. The final Management Plan must evaluate the potential effects that ORV trail usage and maintenance will have on the restoration benefits expected from CERP projects within and adjoining the Addition. The final plan must detail how all proposed recreational development activities, including ORV trail modifications, will impact surface hydrology as contemplated by CERP.

Ms. Lauren P. Milligan  
September 29, 2009  
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Thank you for the opportunity to comment on the Big Cypress National Preserve Management Plan. If additional information is needed, please contact Rebecca Jetton at 850-922-1766.

Sincerely,

A handwritten signature in black ink that reads "Tom Pelham". The signature is written in a cursive style with a large, stylized "T" and "P".

Thomas G. Pelham  
Secretary

TP/cjd

cc: Secretary Mike Sole  
Mr. Ken Haddad  
Mr. Nick Wiley  
Ms. Sally Mann

**Memorandum****South Florida Water Management District**

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**TO:** Florida State Clearinghouse

**FROM:** James J. Golden, AICP, Lead Planner  
Environmental Resource Regulation Department

**DATE:** September 17, 2009

**SUBJECT:** National Park Service - Big Cypress National Preserve Addition - Draft  
General Management Plan/Wilderness Study/Off-Road Vehicle  
Management Plan/Environmental Impact Statement – Collier County, FL  
SAI#: FL200907154851C

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The South Florida Water Management District (SFWMD) has the following comments regarding the above subject proposal.

- 1) The Draft General Management Plan (GMP) and Environmental Impact Statement (EIS) consider water as the “principal natural resource” for proper functioning and management of the Addition Lands. As such, hydrology and proper management of the water resources within, abutting and adjacent to the Addition Lands must be a major factor upon which all decisions with regard to implementation of any GMP should be based. While the proposed GMP/EIS cites references to existing reports, many of the cited references were prepared over 10 years ago. They do not appear to have been updated to reflect current hydrologic and land uses conditions.
- 2) The proposed GMP/EIS Alternatives do not appear to address many of the comments and concerns included in a letter from the Florida Department of Environmental Protection, dated August 27, 2001 (see Chapter 5, Pages 419 through 423, Appendix C: Consultation Letters).
- 3) In response to a request for comments from the Big Cypress National Preserve regarding the GMP/EIS Alternatives, the SFWMD sent a letter to Karen Gustin, former Superintendent of the Big Cypress National Preserve, in December, 2005. A copy of that letter is attached. The SFWMD also sent a copy of the letter to the Big Cypress Planning Team at the National Park Service Center in Denver, Colorado. The comments and concerns listed in that letter have not been addressed in the GMP/EIS. Also, a copy of the letter was not included in the Appendices of the GMP/EIS.
- 4) The proposed GMP/EIS Alternatives do not appear to address many of the comments and concerns expressed by the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida regarding impacts to cultural,

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ethnographic, archeological and natural resources within and adjacent to the Addition Lands, as well as trespass issues. Copies of their comments are attached.

- 5) The proposed GMP/EIS makes note of the Big Cypress National Preserve's intention to use the guidelines established under the December, 2008, Commercial Services Plan. A copy of the Commercial Services Plan is proposed to be included as an addendum to the final GMP/EIS. However, the proposed GMP/EIS Alternatives contain elements that may be considered in direct conflict with the directives and rules for those areas of the Addition Lands that would be defined as "wilderness" under the Commercial Services Plan.
- 6) Map 12, which depicts potential limits for West Indian manatee habitat/use areas, has an error. An un-regulated channelized flow connection with direct discharge and unimpeded flow to tide is located approximately 0.5 mile west along the Tamiami Trail (US 41) from its intersection with State Road 29. This channel then runs north and northeast for approximately 2.5 miles to a box culvert under State Road 29 and connects directly to the SR29 (Barron River) Borrow Canal immediately upstream of SFWMD water control structure SR29, Number 2. The potential exists for the West Indian manatees to travel as far north as Deep Lake within the SR29 (Barron River) Borrow Canal, and also to the east within the borrow channel located along the northern side of Wagon Wheel Road (CR 837). Big Cypress National Preserve staff members have previously been advised of this hydrologic connection.
- 7) The SFWMD understands that the GMP/EIS must address many aspects of resource management, including public access, and that this plan is not a 'restoration plan' per se. However, we believe that the plan should include opportunities to manage water resources from the potential impacts of the proposed recreational activities. Additionally, any uses identified in the GMP/EIS should not be inconsistent with the Comprehensive Everglades Restoration Plan projects located near the Addition Lands.
- 8) Regarding endangered/listed species, the GMP/EIS does not indicate if the amended Biological Opinion includes the Addition Lands and does not indicate if there has been any official determination by the U.S. Fish and Wildlife Service regarding listed species. Although the GMP/EIS states that coordination with both State and Federal wildlife agencies has been initiated, there are other statements, such as 'the species has been observed' but 'no real data on its use of the Addition exists'. This indicates that additional precautions may be necessary. Research and visitor education should be a priority on the lesser known species, such as the Indigo snake. For example,

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although this species is typically associated with uplands, they do forage in wetlands.

- 9) The discussion concerning impairment of the Addition Lands resources in relation to the development of private lands northwest of the Addition (page 249 of the Cumulative Impact Analysis) should be revised to clarify that the Town of Ave Maria and the University are developed areas, as the lands have been cleared and development has commenced. The text also implies that the Town of Big Cypress has been approved. However, approval has not yet occurred. The Town of Big Cypress should only be considered as a potential future development at this stage of the Cumulative Impact Analysis.
- 10) Currently, the western boundary of and a major portion of the western Addition Lands included in the GMP/EIS are located within the  $\pm 300$  square-mile SR 29 drainage basin. The SR29 (Barron River) Borrow Canal is also located in this area. This canal is approximately 39 miles in total length, beginning at or very near the Town of Immokalee at its northern terminus, then paralleling SR29 southward to its southern terminus at Everglades City, where it discharges into Chokoloskee Bay and Everglades National Park. The southern 27 miles of the canal are located entirely or partially within or adjacent to the western boundary of the western Addition Lands. The northern 13 miles of the canal, outside of the boundary of the Addition Lands, receive inflows of stormwater runoff from the Town of Immokalee, rural improved grazing pasture, and agricultural lands located upon approximately 200 square miles of the northern portion of the SR 29 drainage basin. This canal also receives surface and ground water inflows from approximately 100 square miles of the western Addition Lands, not including additional surface and ground water inflow from Big Cypress National Preserve lands located to the east and abutting the eastern boundary of the western Addition Lands.

Considering that the majority of the 27 mile-long SR29 (Barron River) Canal is located entirely or partially within or abutting the western Addition Lands, each GMP/EIS Alternative should address the potential impact of changes (water quality and water quantity) to the discharge characteristics of the canal into Chokoloskee Bay and the waters of Everglades National Park. The alternative chosen should not further degrade the water resources and ecosystem within and adjacent to the Addition Lands.

- 11) The GMP/EIS should address any potential impact on the shallow potable water supply well field for Everglades City from activities on the Addition Lands. The well field is located in Copeland, approximately 0.5 miles west of the western boundary of the Preserve.

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**SAI#: FL200907154851C**

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- 12) The Park Service has stated that the Wilderness designation boundary for the Addition Lands along the SR29 Corridor would be located 50 feet east of the eastern top of bank for the SR29 (Barron River) Canal. Please be advised that this canal falls under multiple jurisdictions, including the Park Service, the Florida Department of Transportation, the SFWMD, and Collier County. The SFWMD recommends that a Memorandum of Agreement (MOA) be negotiated between the above named parties with regard to operation and maintenance of the canal, prior to finalizing any GMP/EIS Alternative, and that the MOA be included in the final GMP/EIS.
- 13) The final GMP/EIS should address the following concerning potential impacts to SFWMD planned/proposed projects, facilities, and infrastructure within, abutting or upon lands proposed as “Wilderness” by the Park Service:
  - Need to determine how the “wilderness” designation will impact the review and permitting of SFWMD planned and proposed projects, facilities, and infrastructure located within, abutting, or upon adjacent lands
  - Need to address any potential legal challenges that may result from the designation to planned and proposed projects, facilities, and infrastructure located within, abutting, or upon adjacent lands designated as “wilderness” from non-governmental and private entities, as well as responsibilities of the Park Service in the challenges
- 14) SFWMD is attempting to restore, to the extent possible, the historical hydrological and hydraulic connections/conditions to those areas that were disconnected by the construction of SR29. The Park Service should coordinate with the SFWMD to ensure proposed activities by both agencies are compatible.



**BIG CYPRESS BASIN**  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

6089 Janes Lane, Naples, FL 34109  
(239) 597-1505 • Suncom 721-7920 • Fax (239) 597-4987 • [www.sfwmd.gov/organ\\_2\\_bcb.html](http://www.sfwmd.gov/organ_2_bcb.html)

12/30/05

GOV 04-14

December 30, 2005

Ms. Karen Gustin, Superintendent  
Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, FL 34141-1000

Dear Ms. Gustin:

**Subject: Comments Upon The Proposed General Management Plan Alternatives For The Addition Lands Portion Of The Big Cypress National Preserve**

In response to the request for comments on the proposed General Management Plan (GMP) Alternatives for the Addition Lands, Big Cypress Basin / South Florida Water Management District (BCB/SFWMD) staff has reviewed the alternatives for the above subject project. The proposed GMP Alternatives indicate that the project involves the evaluation of potential recreational activities, facilities and access to and upon the Addition Lands.

After review of the proposed Alternatives, the BCB/SFWMD offers the following comments:

General Alternative-Related Comments

- 1) Hydrology is a critical and primary element that should be considered when developing and evaluating the management plans for those lands within the Addition Lands. The BCNP has an aggressive hydrologic monitoring and assessment program. The evaluation of the GMP alternatives for the Addition Lands should include an analysis of the impacts, on the overall hydrology (surface and groundwater flow patterns) of the existing preserve and the addition lands for selection and implementation of a successful GMP.
  
- 2) The SR 29 (Barron River) Borrow Canal is the predominant drainage feature within an approximate 290 square mile drainage basin that extends approximately 30 miles northward from the north boundary of the Addition Lands. Hydrologic-hydraulic assessment of the surface and groundwater flow characteristics of the Barron River canal basin have been performed by several SFWMD studies (BCB Watershed

BIG CYPRESS BASIN GOVERNING BOARD

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DIRECTOR

Clarence S. Tears, Jr.

Ms. Karen Gustin  
December 30, 2005  
Page 2

Management Plan/ South Florida Water Management Model etc). The information available from these studies could be incorporated in the development of the management plan of the BCNP Addition Lands.

- 3) The Big Cypress Basin of the South Florida Water Management District (BCB) presently operates and maintains the canal and ten water control structures in the segment of Barron River Canal between I-75 and US 41. The BCB 10 Year Capital Improvement Plan includes modification to these water control facilities to enhance their water management features. It is strongly suggested that BCNP work directly with BCB staff located at BCB/SFWMD office at 6089 Janes Lane, Naples, Florida in the continuing development and implementation of the GMP Alternatives for the Addition Lands.
- 4) Multiple agencies are currently working at this time to restore the historic hydrologic regime to those lands within the SR 29 Drainage Basin, which include the Addition Lands. One active plan under development is the Southwest Florida Feasibility Study being prepared by the U.S. Army Corps of Engineers in cooperation with several state and local agencies. BCNP should also seek out and review projects being proposed by other Governmental Agencies within the SR 29 Drainage Basin.
- 5) All the management plan alternatives for the Addition Lands assume that the SR 29 (Barron River) Borrow Canal is under total ownership of the U.S. Government and will be managed under the jurisdiction on the National Park Service. This assumption is potentially in error as the first six (6) miles of the SR 29 Borrow Canal lies completely within the Right of Way for State Road 29 on lands owned solely by the State of Florida, Department of Transportation (FDOT) and maintained and operated by the (BCB/SFWMD) under agreement with FDOT as recorded in the Official Records of Collier County, Florida. Additionally, other portions of the SR 29 Canal lie only partly within the boundary of the Addition Lands.
- 6) It is apparent BCNP has prepared the proposed Addition Lands management plan alternatives without benefit of a boundary survey to determine at minimum the location of the western boundary of the Addition Lands and specific features and ownership of these features such as drainage canals, water control structures and roadways located adjacent to, entirely or partially within the boundaries of the Addition Lands. While a simple property description is legal and sufficient for the transfer of real property, at minimum a boundary survey of the western boundary of the Addition Lands that includes the location of the specific features noted above and referenced to the Addition Lands boundary must be performed to determine the boundary and actual ownership of real property including the rights that are conveyed with such ownership

Ms. Karen Gustin  
December 30, 2005  
Page 3

for development and implementation of any of the Addition Lands Management Plan Alternatives..

- 7) An assessment of liabilities which may be incurred by other Federal, State and Local Governmental Agencies with management responsibilities and duties upon lands and facilities abutting, adjacent or possibly within the Addition Lands does not appear to have been performed during the development of the Addition Lands management plan alternatives
- 8) A Cultural Resource Assessment does not appear to have been performed upon the Addition Lands to identify historical and / or archeological sites that may exist and evaluate potential impacts from implementation of the GMP Alternatives.
- 9) The proposed Addition Lands Management Plan Alternatives have not identified nor provide any means by which BCNP intends to work with other Federal, State and Local governmental agencies and entities to address potential impacts from any of the GMP Alternatives upon lands within the SR 29 Canal Drainage Basin managed by these other agencies and entities.
- 10) To ensure that the optimal management plan for the Addition Lands is chosen. Impacts to or from all lands located within the SR 29 Canal Drainage Basin must be evaluated prior to and included in the development of any GMP or Alternatives for the Addition Lands. Documentation of this review must be referenced in the Addition Lands Management Plan Alternatives and made available for review to ensure that sufficient evaluation of potential impacts has been performed.
- 11) Coordination for development for Addition Lands Management Plan Alternatives should, at a minimum, include consultation with local representatives for adjacent property owners and managers. This is critical as lands adjacent to and abutting this project area include; Fakahatchee Strand State Preserve, Florida Panther National Wildlife Refuge, Everglades National Park, South Florida Water Management District, Big Cypress Basin, Florida Department of Transportation and Collier County.
- 12) As the headwaters of the SR 29 Canal begin at the town of Immokalee with direct stormwater discharge to the canal then passing through and receiving additional direct discharge to the canal from large agricultural areas with the final discharge of the SR 29 (Barron River) Borrow Canal being to estuarine system and Chokoloskee Bay via

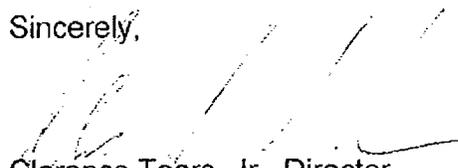
Ms. Karen Gustin  
December 30, 2005  
Page 4

the Barron River of which portions lie within the boundaries of Everglades National Park. Water quality must be addressed in all management plan alternatives and the evaluation of said alternatives.

- 13) The existence of potential ground and surface water pollution from creosote and other pollutants resulting from the operation of the now defunct Jones Sawmill located at Jerome has been identified within, abutting and adjacent to the Addition Lands. An assessment of impacts from these potential pollutant sources should be performed and addressed in the development of the management plan alternatives.
- 14) The well field for potable water supply for Everglades City lies adjacent to the Addition Lands. Potential impacts to this utility must be included in all proposed management plan alternatives for the Addition Lands.
- 15) As the US-COE, SFWMD, USFWS, FFWCC and FDEP are the responsible entities for permitting of water use, surface water management, water quality issues within the SR 29 Drainage Basin, BCNP must coordinate development of management plan alternatives with these agencies to mitigate potential negative impacts to their legislatively mandated responsibilities from implementation of any of the currently proposed management plan alternatives. Local representatives of these Agencies should be included in this coordination effort.
- 16) A final suggestion is that BCNP delay the development of the current GMP Alternatives for the Addition Lands by 90 days to identify and invite local representatives of the numerous Governmental Agencies and Entities to meet with BCNP staff and discuss the noted issues before proceeding with further development of GMP Alternatives for the Addition Lands.

Should any of the above require additional clarification, please give me a call at (239) 597-1505.

Sincerely,



Clarence Tears, Jr., Director  
Big Cypress Basin  
South Florida Water Management District

Ms. Karen Gustin  
December 30, 2005  
Page 5

/wth

c: Big Cypress Planning Team  
National Park Service  
Denver Service Center  
Big Cypress Planning Team  
12795 West Alameda Parkway  
PO Box 25287  
Denver, Colorado 80225-9901



# Miccosukee Tribe of Indians of Florida

## Business Council Members

Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman  
Max Billie, Treasurer

Andrew Bert Sr., Secretary  
William M. Osceola, Lawmaker

January 6, 2006

National Park Service  
Denver Service Center  
Big Cypress Planning Team  
12795 West Alameda Parkway  
PO Box 25287  
Denver, CO 80225-9901

COPY

RE: Addition Lands General Management Plan

Dear Sirs:

The Miccosukee Tribe of Indians of Florida has reviewed the General Management Plan ("GMP") for the Addition Lands of the Big Cypress National Preserve. Below are our comments on the GMP.

The Tribe prefers that Alternative A, the No Action Alternative, be selected provided that hunting is allowed. Absolutely no development, parking lots, visitor centers, boardwalks, roads, etc., be constructed in this area. The Tribe is adamantly opposed to any and all development. It was never the intent of Congress to have interpretative activities, visitor services, or the creation of roads, visitor centers, etc. The Park Service needs to read the Congressional Record on when the Enabling Act for the Preserve was passed to understand the intent of Congress for the Preserve. It was the intent of Congress that the traditional uses of the Preserve be continued, i.e. primitive use, and not developed for the casual visitor. Any development would only create habitat loss for endangered species, and the potential for wildlife/human interaction. This area is also prime Florida panther habitat. Development would only create more problems between humans and panthers. Once again, we need to remind you that Congress passed the Enabling Act to protect the watershed, protect the unique flora and fauna, and freeze the development of this area so it would stay more like it was in 1971 than be developed 34 years later.

Thank you for consulting with the Miccosukee Tribe. Please contact Mr. Steve Terry of my staff at the below number if you require further information .

Sincerely,

COPY

Billy Cypress  
Tribal Chairman

PC: Honorable Gale Norton, Secretary Department of Interior  
Fran Mainella, Director National Park Service  
Patricia Hooks, SE Regional Director National Park Service



## Miccosukee Tribe of Indians of Florida

### Business Council Members

Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman  
Max Billie, Treasurer

Andrew Bert Sr., Secretary  
William M. Osceola, Lawmaker

August 13, 2008

Acting Superintendent Pedro Ramos  
Big Cypress National Preserve  
33100 Tamiami Trail E  
Ochopee, FL 34141-1000

Dear Superintendent Ramos:

The Miccosukee Tribe of Indians of Florida received your letter concerning the general management plan for the Addition Lands and wildlife crossing construction. We have reviewed the letter and have the following comments. We will first discuss the GMP for the Addition Lands.

We are adamantly opposed to wilderness designation as it will shut people out and concentrate use in other areas. Everglades National Park was dedicated to Seminole People to protect their homeland. Please see the attachment. What happened in reality was our people were thrown out of the Park as it was designated as wilderness. Since the Enabling Act of the Preserve, the situation in both Tribes has changed in some degrees. The Preserve only protects the rights of Tribal Members. A wilderness designation would prevent a Tribal Member from taking their non-Tribal spouse into the area. Plus, the Tribe's own non-Tribal Staff could not enter into the area to do wildlife observations, medicinal plant inventories, exotic species monitoring, or any of their other activities that we require of them.

That being said, we are also opposed to any commercial development in the Addition Lands. We have previously stated this to the Denver Service Center and will re-state this once again. Has there been any economic analysis done to determine the feasibility of any commercial development. The Tribe already has commercial development on our Alligator Alley Reservation, located just a few miles to the east of the Addition Lands. The Tribe prefers that Alternative A, the No Action Alternative, be selected provided that hunting is allowed. Absolutely no development, parking lots, visitor centers, boardwalks, roads, etc., be constructed in this area. The Tribe is adamantly opposed to any and all development. It was never the intent of Congress to have interpretative activities, visitor services, or the creation of roads, visitor centers, etc. The Park Service needs to read the Congressional Record on when the Enabling Act for the Preserve was passed to understand the intent of Congress for the Preserve. It was the intent of Congress that the traditional uses of the Preserve be continued, i.e. primitive use, and not developed for the casual visitor. Any development would only create habitat loss for

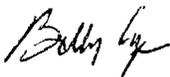
P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 559-6653

endangered species, and the potential for wildlife/human interaction. This area is also prime Florida panther habitat. Development would only create more problems between humans and panthers. Once again, we need to remind you that Congress passed the Enabling Act to protect the watershed, protect the unique flora and fauna, and freeze the development of this area so it would stay more like it was in 1971 than be developed 34 years later.

Our comments on Wildlife Crossings are as follows. The Tribe is not opposed to Wildlife Crossings, per se. We are opposed to any visual impact, such as the Gulag Fencing on SR 29. We want to know if the Florida Department of Transportation, the Defenders of Wildlife, and the U.S. Fish and Wildlife Service value the lives of imported Texas cougars over the lives of human beings? Before any future Wildlife Crossings are planned for, much less constructed, guardrails on Tamiami Trail between 30 mile bend and 40 mile bend need to be installed to prevent the loss of human life in this area. We know of 14 people who have died in the canal over the last 15 years, from simple accidents that a guardrail would have prevented. It is incredulous to the Tribe that the Preserve would be entertaining wildlife crossings when you are planning to improve Loop Road so that more vehicles and faster speeds can be achieved. There is an abundance of wildlife on Loop Road that is not being protected. The Loop Road Improvement Project should be abandoned so that wildlife will be protected there before any Wildlife Crossings are constructed on Tamiami Trail.

Thank you for consulting with the Miccosukee Tribe. We appreciate your informing the Tribe that Superintendent Gustin has departed for Olympic National Park. The Tribe is looking forward to better cooperation with you as the Acting Superintendent. In the spirit of this future cooperation, the Tribe's staff will be available to meet with you. We do ask that you respond to our previous request on opening airboat trails in the Stairsteps Unit, Zone 4 for cultural reasons. Please contact either Mr. Fred Dayhoff or Mr. Steve Terry, if you have any questions.

Sincerely,



Billy Cypress  
Tribal Chairman

PC: Steve Terry, Land Resources Manager  
Fred Dayhoff, Tribal Representative



**Southwest Florida Regional Planning Council**

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

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AUG 14 2009

DEP Office of  
Intergov't Programs

August 10, 2009

Ms. Lauren P. Milligan  
Department of Environmental Protection  
Florida State Clearinghouse  
3900 Commonwealth Boulevard, M.S. 47  
Tallahassee, Florida 32399-3000

**RE: United States Department of the Interior  
National Park Service  
Big Cypress National Preserve  
33100 Tamiami Trail E  
Ochopee, Florida 34141-1000**

**SAI#: FL200907154851C  
IC&R 2009-034**

Dear Ms. Milligan:

The staff of the Southwest Florida Regional Planning Council (SWFRPC) reviews various proposals, including Notifications of Intent, Preapplications, Permit Applications, Environmental Impact Statements and other activities that request determinations for compliance with regional Goals, Strategies, and Actions, as determined by the Strategic Regional Policy Plan, July 4, 2002. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.), and adopted regional clearinghouse procedures.

These designations determine Council staff procedure in regards to the reviewed project. The four designations are:

Less Than Regionally Significant and Consistent no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent Council does not find the project of regional importance, but will note certain concerns as part of its continued monitoring for cumulative impact within the noted goal area.

Regionally Significant and Consistent project is of regional importance, and appears to be consistent with Regional goals, objectives, and policies.

Regionally Significant and Inconsistent project is of regional importance and does not appear to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The above referenced document has been reviewed by this office and based on the information contained in the document, and on local knowledge, the SWFRPC has the following comments about this request:

This review is a request from the National Park Service concerning a General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement for the Big Cypress National Preserve Addition. Specifically, the request is to provide comments and a consistency finding dealing with the submitted plan, maps and narrative text that describes the current and potential actions related to the future management of the Big Cypress National Preserve Addition.

This *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement* presents four alternatives, including the NPS's preferred alternative, which provides for the future management of the Addition. The alternatives are based on the Preserve's purpose, significance, and special mandates, present different ways to manage resources and visitor use and improve facilities and infrastructure in the Addition. The four alternatives include the "no action" alternative (Alternative A), which presented a range of off-road vehicle opportunities, identified lands being considered for wilderness, and spoke to visitor facilities and experiences. In addition, the statement identified three "action" alternatives, including Alternative B, the preferred alternative, and Alternative F. Additional alternatives (Alternatives C, D, and E) and their actions were considered in the planning effort. However, these alternative and actions were dismissed from further detailed analysis by the NPS. These dismissed alternatives and actions were presented, along with the rationale for dismissing them in the "Alternatives, Including the Preferred Alternative" portion of the document. The preferred alternative identified in the submittal was developed from comments received throughout the planning process.

A summary of the proposed alternatives addressed in the *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement* as follows:

- The **No-Action Alternative** describes a continuation of existing management and trends in the Addition areas. The Addition would remain closed to public recreational motorized vehicle use and motorized hunting would not be allowed. No wilderness areas would be proposed for specific designation.

- The **Alternative B** action would enable visitor participation in a wide variety of outdoor recreational experiences in the preserve. According to the submittal, about 48,919 acres of land would be proposed for a wilderness designation and up to 140 miles of sustainable ORV trails would be designated as part of the conceptual primary ORV trail network.
- The **Preferred Alternative** would provide for diverse front and back country recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. About 85,862 acres of land would be proposed for wilderness designations and up to 140 miles of sustainable ORV trails would be designated and phased in as part of the conceptual primary ORV trail network.
- The **Alternative F** would emphasize resource preservation, restoration, and research, while providing recreational opportunities with limited facilities and support. This alternative would maximize the amount of land proposed for a wilderness designation, about 111,601 acres. No public ORV use would be available under this alternative.

The Big Cypress National Preserve was authorized by an act of congress on October 11, 1974 (Public Law 93-440) and had a surrounding boundary that included 582,000 acres of land. The act was amended on April 29, 1988, when Congress passed the Big Cypress National Preserve Addition Act (Public Law 100-301). The amendment was known as the Addition Act because it expanded the size of the original preserve by about 147,000 acres. Since the enlargement of the preserve, the expansion area has been referred to as the Addition.

In 1991, the National Park Service (NPS) finalized the *General Management Plan* for the Preserve. That plan addressed only the original Preserve and contained no guidance for the Addition area.

The NPS began administration of the Addition in 1996. Since that time, the Addition has been closed to public recreational motorized use and hunting, with the only permitted public uses being pedestrian and bicycling access and camping.

To date, no comprehensive planning effort has been conducted for the Addition. A comprehensive resource based plan is obviously needed in order to more clearly define the Addition's resource conditions and identify the experiences that visitors can have in the Addition. The subject plan being provided by in the Preferred Alternative is intended to provide a much needed framework for the NPS managers to use when making decisions about how to best protect the Addition's natural resources, identify appropriate areas for visitor access facilities, and determine how the NPS will manage its operations in the Addition area.

Based on the information provided in the submittal, Council staff finds that this *General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental*

*Impact Statement* due to its magnitude and impacts on regional resources is Regionally Significant and Inconsistent with the Strategic Regional Policy Plan given that the alternatives analyses are incorrect due to the fact that it overestimates the benefits to the public and underestimates the adverse effects to the environment of the NPS Preferred Alternative. At the same time, it underestimates the benefits of Alternative F to the natural environment.

The following summary provides the Council staff review of the presented alternatives with both beneficial and adverse effects identified:

- **Alternative A:** No-Action Alternative (Describing the continuation of existing management and trends)

The no-action alternative describes a continuation of existing management and trends in the Addition and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. Under this alternative, the NPS would continue to manage the Addition as it is at this time. The Addition would remain closed to public recreational motorized use and motorized hunting, and only minor new construction would be authorized to accommodate visitor access, primarily for hiking and biking. Existing operations and visitor facilities would remain in place. Natural ecological processes would be allowed to occur, and restoration programs would be initiated where necessary. No wilderness would be proposed as a designation.

The key impacts of continuing existing management conditions and trends would include minor to moderate adverse localized impacts on surface water flow, moderate long-term adverse impacts on visitor use and experience, and minor to moderate impacts on NPS operations and management. No wilderness area would be proposed for designation.

The NPS staffing levels under the no-action alternative would continue to be the equivalent of 77 full-time staff members. This includes 6 employees in the superintendent's office, 10 in administration, 20 in maintenance, 12 in interpretation, 14 in resource management, and 15 in visitor and resource protection. An additional 21 employees work for the preserve's fire program, but these fulltime-equivalent employees are not accounted for in the staffing numbers because they would remain the same across all alternatives. Volunteers and partnerships would continue to be key contributors to NPS operations. The total costs associated with this alternative (annual operating costs) would be \$6.5 million.

- **Alternative B:** Expanded Visitor Access and Participation Alternative (Action would enable visitor participation in a wide variety of outdoor recreational experiences in the preserve.)

The concept for management of the Addition under this alternative would be to enable visitor participation in a wide variety of outdoor recreational experiences. It would maximize motorized access, provide the least amount of proposed wilderness, and develop limited new hiking-only trails. New visitor and operations facilities along the I-75 corridor would also be provided.

The key impacts of the implementation Alternative B would include moderate, long-term, adverse and widespread impacts on surface water flow and water quality, including interference with sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate to severe, adverse and potentially Addition-wide impacts on the introduction of known and new exotic / non-native plants and animals; long-term moderate to severe, adverse impacts on (likely to adversely affect) the Florida panther; long-term moderate to severe, adverse impacts on (likely to adversely affect) the Red-cockaded woodpecker; long-term minor to moderate, beneficial and adverse impacts on minor game species; long-term, moderate, beneficial and adverse Addition-wide impacts on wilderness resources and values; long-term moderate, beneficial and adverse impacts on visitor use and experience; and long-term, moderate, beneficial and adverse impacts on NPS operations and management. In addition, there can be expected to be localized terrain alteration and exposure of marl and sandy soils thereby creating rutted channels for more rapid water flow; significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear with the introduction of human waste, trash and other debris; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Wood Stork and other wading bird species; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Big Cypress Fox Squirrel; increased negative human-wildlife interactions resulting in management and complaint issues; and a potential for an increase in inappropriate public land use for dumping; marijuana grow operations, and resource harvesting of rare and endangered plant species.

Approximately, 48,919 acres of land would be proposed for wilderness area designation.

The NPS staffing level needed to implement Alternative B would be the equivalent of 93 full-time staff members (16 additional fulltime-equivalent employees or 17 positions, 15 permanent full-time employees and 2 half time temporary / seasonal employees). These 16 additional include 2 permanent interpreters, 2 seasonal interpreters, 4 maintenance workers, 5 law enforcement rangers, 2 visitors use assistants, 1 off-road vehicle (ORV) program manager, and 1 biological science technician. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of Alternative B, including projects that are planned for the near future or are underway, new construction, and no facility costs such as major resource plans and projects, are estimated at \$6.7 million. Annual operating Costs under this alternative would be \$7.9 million.

- **Preferred Alternative:** Expanded Visitor Participation and ORV Access Alternative (Action would provide diverse front and back country recreational opportunities.)

The Preferred Alternative would provide diverse front country and back country recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. This alternative would maximize ORV access, provide a moderate amount of wilderness, provide non-motorized trail opportunities and new camping opportunities, and develop a partnership approach to visitor orientation. New visitor and operations facilities along the I-75 corridor would also be provided.

Key impacts of implementing the preferred alternative would include moderate, long-term, adverse, and widespread impacts on surface water flow and water quality including interference with sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate to severe, adverse and potentially Addition-wide impacts on the introduction of known and new exotic / non-native plants and animals; long-term, moderate to severe, adverse impacts (likely to adversely affect) on the Florida Panther; long-term, moderate to severe, adverse impacts (likely to adversely affect) on the Red-cockaded Woodpecker population; long-term, minor to moderate, adverse impacts on major game species; long-term, moderate, beneficial and adverse Addition-wide impacts on wilderness resources and values; long-term, moderate, beneficial and adverse impacts on NPS operations and management. In addition, there can be expected to be localized terrain alteration and exposure of marl and sandy soils creating rutted channels for more rapid water flow; significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear; introduction of human waste, trash and other debris; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Wood Stork and other wading bird species; long-term, moderate to severe, adverse impacts to (likely to adversely affect) the Big Cypress Fox Squirrel; increased negative human-wildlife interactions resulting in management and complain issues; and a potential for an increase in inappropriate public land use for dumping; marijuana grow operations; and resource harvesting of rare and endangered plants.

This alternative would increase the probability of unintentional and intentional (arson) wildfires with subsequent resources loses and endangerment and lose of vegetation, wildlife and human life.

Approximately 85,862 acres of land (65% of the Addition) would be proposed for wilderness area designation.

The NPS staffing level needed to implement the preferred alternative would be the equivalent of 93 full-time staff members (16 additional full-time equivalent employees or 17 positions) – 15 permanent full-time employees and 2 half-time

temporary / seasonal employees. These 16 additional employees include 2 permanent interpreters, 2 seasonal interpreters, 4 maintenance workers, 5 law enforcement rangers, 2 visitor use assistants, 1 ORV program manager, and 1 biological science technician. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of the Preferred Alternative, including projects that are planned for the near future or are underway, new construction, and no facility cost such as major resource plans and projects, are estimated at \$6.7 million. Annual operating cost under this alternative would be \$7.9 million.

- **Alternative F:** Resource Preservation Alternative (Action would emphasize preservation, restoration, and research.)

Alternative F would emphasize resource preservation, restoration, and research while providing recreational opportunities with limited facilities and support. This alternative would provide the maximum amount of wilderness, no ORV use, and minimal new facilities for visitor contact along the I-75 corridor.

The key impacts of implementing the Alternative F would include moderate, long-term, beneficial, and widespread impacts on surface water flow and water quality including maintenance of sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate, beneficial and potentially Addition-wide impacts on the reduction of the introduction of known and new exotic exotic / non-native plants and animals; long-term, moderate to significant, beneficial impacts on (likely to positively affect) the Florida Panther; long-term, moderate to significant, beneficial impacts on (likely to positively affect) the Red-cockaded Woodpecker population; long-term, minor to moderate, adverse impacts on major game species; long-term, moderate, beneficial and adverse Addition-wide impacts on wilderness resources and values; long-term, moderate, beneficial and adverse impacts on visitor use and experience; and long-term, moderate beneficial and adverse impacts on NPS operations and management.

In addition, this alternative will reduce localized terrain alteration and exposure of marl and sandy soils creating rutted channels for more rapid water flow, reduce significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear; reduce introduction of human waste, trash and other debris; reduce long-term, moderate to severe adverse impacts on (likely to adversely affect) the Wood Stork and other wading birds species; reduce long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Big Cypress Fox Squirrel; reduce increased negative human-wildlife interactions resulting in management and complaint issues; and reduce the potential for an increase in inappropriate public land use for dumping; marijuana grow operations; and resource harvesting of rare and endangered plants.

Approximately 111,601 acres of land (76% of the Addition) would be proposed for wilderness area designation.

NPS staffing level needed to implement Alternative F would be the equivalent of 7 full-time staff members (10 additional positions). These 10 additional positions (10 full-time employees) would include 2 permanent interpreters, 2 maintenance workers, 5 law enforcement rangers, and 1 visitor use assistant. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of Alternative F would projects that are planned for the near future or are underway, new construction, and facility costs such as major resource plans and projects, are estimate at \$4.9 million. Annual operating costs under this alternative would be \$7.5 million.

Based on the above analysis, Council staff finds that Alternative F best supports the regional Goals, Strategies, and Actions found in the Strategic Regional Policy Plan, while providing more wilderness area with fewer and less long-term, adverse impacts to the region's hydrology, plants and wildlife. In addition, Alternative F provides the benefits identified in the analysis at a lower capital and operational cost level.

As currently presented, Council staff finds that the Preferred Alternative as presented in the submittal will not provide acceptable benefit levels to the region, as described in the Council staff analysis and will not enhance the health, safety and welfare of the region's habitats and population and is therefore not consistent with the following Goals, Strategies, and Actions of the Strategic Regional Policy Plan's Natural Resources Element:

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

Strategy: Promote through the Council's review roles design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 6: Working in cooperation with agencies and local governments insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.**

Strategy: All plans concerning the same resource shall have as objectives the same results.

Action 4: The SWFRPC will promote state, regional and local agencies to consider lands identified as priority one habitat south of the Caloosahatchee River and areas formally designate as critical habitat for the Florida Panther to be incorporated in the agency's natural resource management programs and provide intergovernmental coordination for the implementation of management practices that, based on existing data, would be expected to result in maintaining habitat conditions for the panther.

Action 7: The SWFRPC will continue to coordinate with the entities of the South Florida Ecosystem Restoration Task Force Working Group in their restoration efforts.

Council staff finds that Alternative F is more protective of the natural resources of the region, including listed species, water quality and hydrology, and the public use functions that the Big Cypress National Preserve was originally established. Alternative F has the most area designated for wilderness area and appears to have the lowest carbon footprint and least green-house gas production both for the management plan and the amount of recreational use dependent on internal combustion engines.

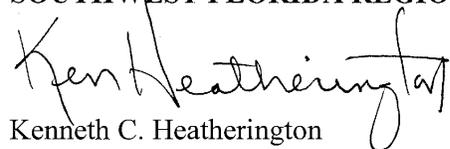
Council staff recommends that the Preferred Alternative and subsequently the Environmental Impact Statement should be rewritten with Alternative F as the Preferred Alternative because it will be the most cost effective (least costly), will minimize negative climate change factors, and will best protect the overall Big Cypress National Preserve, while allowing public uses that are appropriate to a significant national resource of this value, magnitude, and vulnerable nature.

Council also staff finds that no further review of the project will be necessary from Council unless unforeseen circumstances occur that change the overall request as presented.

Should you or any other party request that this finding to be reconsidered, please contact Nichole L. Gwinnett, IC&R Coordinator.

Sincerely,

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**



Kenneth C. Heatherington  
Executive Director

KCH/DEC



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Ms. Lauren Milligan  
Director, Florida State Clearinghouse  
Florida Dept. of Environmental Protection - #3700  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, Florida 32399-3000

September 18, 2009

Re: DHR Project File No: 2009-4470B / Received by DHR: July 22, 2009  
SAI #: FL2009 - 4851C  
*Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management  
Plan/Environmental Impact Statement*  
Big Cypress National Preserve Addition - Collier County

Dear Ms. Milligan:

Our office reviewed the referenced documents in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended and 36 CFR Part 800: Protection of Historic Properties; and the National Environmental Policy Act of 1969, as amended. This review is focused to the possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places in the Big Cypress National Preserve Addition (Addition).

We have reviewed the sections of the DGMP/WS/ORVMP/EIS that deal with cultural and historical resources, and it is our opinion that such resources have been adequately addressed in this document. We concur with the choice of preferred alternative, and agree that it has the potential to have adverse effects on cultural resources. Therefore, this office concurs that cultural resource (archaeological and other) surveys/investigations will need to be conducted in advance of ground disturbing activities, or other development activities that could directly or indirectly affect cultural resources that are listed or eligible for listing in the National Register. The results of such surveys must be forwarded to this office for review and comment. We look forward to continued coordination and consultation in the development of the Addition.

If you have any questions concerning our comments, please contact me by electronic mail at [lkammerer@dos.state.fl.us](mailto:lkammerer@dos.state.fl.us), or by telephone at 850-245-6333 or 800-847-7278.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Kammerer".

Laura A. Kammerer  
Deputy State Historic Preservation Officer  
For Review and Compliance

**RECEIVED**

SEP 23 2009

DEP Office of  
Intergovt'l Programs

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6436

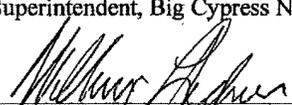
Archaeological Research  
(850) 245-6444 • FAX: 245-6452

Historic Preservation  
(850) 245-6333 • FAX: 245-6437

APPENDIX D: FLOODPLAINS STATEMENT OF FINDINGS

**Statement of Findings for  
Executive Order 11988, "Floodplain Management"  
Big Cypress National Preserve — Addition  
General Management Plan**

Recommended:  \_\_\_\_\_ 6/14/10  
Superintendent, Big Cypress National Preserve Date

Concurred:  \_\_\_\_\_ 6/17/10  
Chief, Water Resources Division Date

Approved:  \_\_\_\_\_ 6-22-10  
Director, Southeast Region Date

## **INTRODUCTION**

In accordance with Executive Order 11988, “Floodplain Management” and National Park Service (NPS) guidelines for implementing the order, the National Park Service has reviewed the flood hazards in the Big Cypress National Preserve — Addition (Addition) and has prepared this “Statement of Findings” (SOF).

In examining the Addition lands, the structures at the following two sites were identified as being within a regulatory 100-year floodplain:

- 1) Carnestown site (southeast corner of S.R. 29 and U.S. 41/Tamiami Trail in Carnestown, FL)  
Two structures: Collier County Sheriff District 7 substation and the Everglades Chamber of Commerce information center (known as “Everglades Welcome Center”)
- 2) Copeland site (east side S.R. 29 in Copeland, FL)  
One structure: NPS fire operations center

There are no other occupied structures within a regulatory floodplain at these sites that warrant inclusion in this flood hazard assessment. The 91-meter communication tower owned by Crown Castle adjacent to the other two structures at the Carnestown site is an example of a site facility that is not included in the hazard assessment.

This “Statement of Findings” focuses on evaluating the flood hazards for the three aforementioned structures in the 100-year floodplain. As a part of the effort to develop a general management plan (GMP) for the Addition, the “Statement of Findings” describes the flood hazard, alternatives, and possible mitigation measures for the continued use of this area. Additional detail regarding the Addition lands and resources, future actions to be taken in the area, and environmental impacts may be found in the *Draft General Management Plan / Wilderness Study / Off-Road Vehicle Management Plan / Environmental Impact Statement* (GMP/EIS).

## **DESCRIPTION OF THE SITES AND USES**

### **Carnestown Site**

The Everglades Area Chamber of Commerce, the Collier County Sheriff’s Office, and Crown Castle International, Inc. lease land owned by the National Park Service in the southeast quadrant of the intersection of S.R. 29 and U.S. 41. The federal acquisition of this land was prompted by the Big Cypress National Preserve Addition Act of 1988 (Public Law 100-301). The National Park Service began administering these Addition lands in 1996.

Currently, there are two occupied, one-story, structures on the site: the Everglades Chamber of Commerce visitor information center (the first structure on the site in 1966) and the Collier

County sheriff's substation. These structures existed on this site prior to National Park Service management. The communication tower with a repeater building and an aboveground fuel tank for sheriff operations are nearby on the site. Much of the remaining land at this site has been developed with impervious paved surfaces for ingress and egress and parking, and some is mowed lawn groundcover. Both of the occupied structures, which are about 7 to 8 feet above mean sea level, are immediately west of the Barron River Canal. The surrounding plant communities beyond the manicured landscape portions of the site (and primarily south of the site and west of S.R. 29) consist mainly of mangrove forest. The site sits at the upper reach of a mangrove estuary off Chokoloskee Bay.

Although the onsite facilities are leased, managed, and operated by external entities, the land is owned by the federal government and is part of the planning area covered in the *General Management Plan* for the Addition. All of these facilities provide support services to the Preserve and its visitors, and they operate seven days per week. For example, the Everglades Chamber of Commerce facility provides orientation, visitor information, souvenirs, limited supplies, and a restroom facility. The District 7 sheriff substation (and the adjacent tower) provide emergency and communication services for the Preserve and its visitors.

#### Copeland Site

The National Park Service uses a former single-family residence at this site (on the east side of both S.R. 29 and the Barron River Canal) as a fire operations center. This structure was on the site prior to NPS management of this land, which began in 1996. The site development consists of a two-story house, an old swimming pool basin, a pump house, and a borrow pit. Material excavated from the borrow pit appears to have been used to raise the building pad prior to house construction. Although the house sits slightly higher than the elevation of the surrounding terrain, the entire structure is within the 100-year floodplain.

The remaining developed areas around the house, pump house, and pool consist of mowed lawn and a pervious driveway and parking area. The driveway crosses the Barron River Canal, connecting the site to S.R. 29. Beyond the developed area of the site, the generally flat terrain is vegetated with cleared prairie, scrub-shrub, seasonal wetlands, and hardwood hammock. Another private residence exists approximately 100 yards north of the site, and an NPS Preserve employee housing unit exists about 200 yards to the south. The NPS fire operations center at the Copeland site accommodates year-round use, involving unit fire management employees and prescribed fire employees.

### **GENERAL CHARACTERIZATION OF THE NATURE OF FLOODING AND FLOODPLAIN PROCESSES IN THE AREA**

#### Carnestown Site

The flooding that occurs in the vicinity of the Carnestown site is mainly characterized and driven by rising waters in the adjacent mangrove estuaries and canals during wet seasons, storms, or hurricanes. The rising waters in the canals and mangrove estuaries can result from

long durations of heavy precipitation and from storm surges from the Gulf of Mexico associated with hurricanes and tropical storms. Flooding at the site and its vicinity would occur when the rising water and/or storm surge overtops the banks of canals and natural waterways around the site. During the south Florida wet season, some ponding also occurs in low-lying areas and swales around the site due to the flat terrain and drainage constraints of the site. The only documented flooding of this site occurred after Hurricane Donna in 1960 when canal banks were overtopped in vicinity of the site. At that time, there were no structures on the site. Since 1960 (and since site development) the site has only flooded once — during Hurricane Andrew in 1992. However, the two structures on this site did not flood at that time. In fact, Everglades City (located closer to the Gulf to the south) staged its emergency management system equipment at this site to avoid higher water levels in the city. The National Park Service has not identified any records or physical indications that any other flooding has occurred at this site in the past.

### Copeland Site

The flooding that occurs in the vicinity of the Copeland site is primarily characterized by areas of seasonal wetlands and other low-lying areas becoming inundated during the south Florida wet season. Ponding and soil saturation in these nearby wetland areas is typically only seasonal in nature. In a very severe flood, it is possible for flood water to overtop the banks of the Barron River Canal that parallels S.R. 29 along the west side of this site. However, the NPS has no records or physical proof that flooding has occurred at the structure site, even during notable storms or hurricanes. This may be because of local hydrology of the site and the fact that the structure sits on a raised foundation.

## **JUSTIFICATION FOR USE OF THE FLOODPLAIN**

### **Description of Preferred Alternative and Why Facilities Would Be Retained in the Floodplain**

Under the preferred alternative in the general management plan, the fire operations center at Copeland, and the Sheriff's substation and Everglades Chamber of Commerce visitor center at Carnestown would be retained in their existing locations. The reasoning behind retaining these three structures in their existing locations in the 100-year floodplain is based on the following reasons:

- The structures at both sites were stable and usable when the National Park Service took over management and ownership of these sites/land.
- The National Park Service has no records of past structural flooding at either of these sites.
- The Chamber of Commerce and Sheriff's Office facilities at the Carnestown site were fully operational before and after the NPS took over management of this land.
- The visitor services and emergency services provided at this site by the Everglades Chamber of Commerce visitor center and the Collier County Sheriff's Office

substation continue to support the Preserve and its visitors and serve as an effective complement to NPS operations and services.

- The structure (house) at the Copeland site has become fully operational and has been an effective location for the NPS fire operations center.
- Relocating the facilities and services at both sites may be infeasible and very costly, from both a financial cost perspective and from a level/quality of service perspective.
- Both of the sites are already on disturbed ground. Moving the facilities would likely result in adverse impacts and the loss of other natural resource values in the area.
- The Carnestown site is served by sewer and water from the Everglades City utility system, which avoids the need for individual septic and well systems and the resource impacts they would bring.
- Both sites have direct access to major highways in the area that provide quick evacuation routes to higher, inland areas (S.R. 29 to the north and U.S. 41 and Interstate 75 to the east and west).

## **DESCRIPTION OF SITE-SPECIFIC FLOOD RISK**

### **Carnestown Site**

The potential for storm surges associated with hurricanes and tropical storms is the primary flood risk for the structures at the Carnestown site. Strong storm surges from the southwest have the potential to raise water levels in the canals and mangrove estuary branches near the site. High seasonal rainfall could also contribute to the rising waters in the adjacent canals and estuary. If the canal banks are overtopped, the structures at the site might be flooded from several directions because canals more or less surround the area around the intersection of S.R. 29 and U.S. 41. However, although some ponding occurs in low-lying areas around the site during the wet season and some probable overtopped canal banks near the site may have occurred during storms in 1960 and in the 1990s, the National Park Service has not identified any records or physical indications that structural flooding has occurred at this site in the past.

The timing and duration of potential flooding at the Carnestown site structures may vary depending on the source of flooding (i.e., storm surge or high seasonal rainfall). At the Carnestown site, flooding caused by storm surges is the most likely scenario, and flooding could occur over a short period of time if a hurricane or tropical storm nears the area at the right trajectory. Since this type of flooding would result from rising water in the Barron River Canal, other adjacent canals, and the nearby estuary, the flooding could occur in a matter of hours. Thus, the available time for advanced warning and evacuation would be somewhat limited because of the rapid approach of storm surges. However, with effective hurricane forecasting and early evacuation orders, structure occupants should be provided with enough advanced notice to avoid the flood risk (many hours to several days). Typically, Collier County evacuation orders are issued for areas south of U.S. 41 in response to storm surge threats.

If the flooding is a result of high seasonal rainfall, it could take weeks or perhaps months to occur. This type of flooding at the Carnestown site would allow a substantial amount of time for advanced warning to structure occupants (days or weeks). The flood duration in this case would also have a long duration because of fully saturated soils, flat terrain, and slow rate of recession.

Because of the very subtle variations of landscape elevation in this area, there are very few issues related to erosion, sediment deposition, and channel changes that would result from flooding. Notable hydrologic changes from geomorphic and erosion processes in this area are primarily only measureable at the scale of geologic time. There could be some sediment and debris deposition at this site as a result of storm surge, but the typical seasonal inundation at the Carnestown site would lack the energy to produce detectable erosion or channelization.

### Copeland Site

Only during periods of extreme high water could the elevated building foundation and structure be flooded. Floodwater in an extreme event could originate from rising water in surrounding lowlands from high seasonal rainfall or from overtopped banks in the adjacent Barron River Canal from extreme storm surges from the southwest. If rising water from very high seasonal rainfall occurs, the flow direction at the Copeland site would generally be towards the south-southwest and into the adjacent canal. If the flooding results from overtopped banks, the direction may be reversed. However, although ponding in nearby wetlands and low areas during the wet season is not uncommon, the National Park Service has identified no records or physical indication that the structure has been flooded in the past.

The timing and duration of potential flooding at the Copeland site structure would vary depending on the source/type of flooding. If the flooding is a result of high seasonal rainfall, it could take weeks or perhaps months to occur. This type of flooding at the Copeland site would allow a substantial amount of time for advanced warning to structure occupants (days or weeks). The flood duration in this case would also have a long duration due to fully saturated soils, flat terrain, and slow rate of recession.

If the flooding at the Copeland site structure results from a strong hurricane or tropical storm, the timing would be shortened considerably. Because this type of flooding would result from a storm surge and rising water in the Barron River Canal, the flooding could occur in a matter of hours. Thus, the available time for advanced warning and evacuation would be more limited because of the rapid approach of storm surges. However, forecasted hurricane warnings and early evacuation notices/orders should provide structure occupants with flood awareness hours to days in advance of the risk.

Because of the very subtle variations of landscape elevation in this area, there are very few issues related to erosion, sediment deposition, and channel changes that would result from flooding. Notable hydrologic changes from geomorphic and erosion processes in this area are primarily only measureable at the scale of geologic time. There could be some sediment and debris deposition at this site as a result of storm surge, but the typical seasonal inundation at the Copeland site would lack the energy to produce detectable erosion or channelization.

**FLOOD MITIGATION MEASURES**

The highest level of flood mitigation for both the Carnestown site and the Copeland site would be to relocate the facilities and/or services out of the floodplain. This option is not currently feasible and has several costs associated with it. Thus, this option has not been chosen by the National Park Service. If or when the structures reach their usable lifespan, or if a future flood results in severe damage, then the National Park Service should assess possibilities for relocating the facilities.

The continued use of the Carnestown and Copeland sites for the various facilities and services would necessitate the development (and future implementation) of evacuation plans for both sites. Given the proximity of these sites to flooding risks, the early, prompt, and safe evacuation of people from the sites is the primary flood mitigation measure available to the National Park Service. This plan would include strategies that ensure proper storm monitoring, emergency communication methods, effective evacuation routes, and timely emergency evacuation notification for staff and visitors at both sites.

Because both sites are located at or near the intersection of two major highways in the area (S.R. 29 and U.S. 41), multiple evacuation routes are available to staff or visitors at these sites. Depending on storm trajectory or flooding dynamics, evacuees could seek higher ground by driving north along S.R. 29, with the option of heading east or west on Interstate 75. Evacuees could also exit the area to the east or west via U.S. 41. The most ideal and safest evacuation route would be determined by local emergency management system authorities during the time of the storm.

The plan would be developed in concert with the protocol and strategy of the existing Collier County emergency management system and the National Weather Service. This Collier County emergency management system is already well developed and has proven to be very successful at providing people in the area with advanced warning of potential floods. During past floods, this emergency management system has given warning well in advance of storm activity, leaving ample time for evacuation. Also, since the Collier County Sheriff's Office substation is at the Carnestown site, the collaboration and communication between the National Park Service and the Collier County emergency management system should be rather seamless and efficient. This would also benefit the Copeland site, since the Collier County Sheriff's Office substation at Carnestown is only 3 miles south of the Copeland site.

Once the plan is developed, all Preserve staff, Everglades Chamber of Commerce staff, and Collier County Sheriff's Office staff would be informed of the plan's details and their respective implementation responsibilities. Staff at all facilities would also be informed on how to appropriately disseminate evacuation information to visitors who may be at any of the facilities when a flood occurs.

## **SUMMARY**

The National Park Service has determined that there is no practicable alternative to maintaining the use of the fire operations center at the Copeland site and continuing to allow the use of the structures at the Carnestown site for Everglades Chamber of Commerce and Collier County Sheriff's Office services. This determination is primarily based on: (1) the low risk and minimal safety concerns related to potential flooding at these sites, and (2) the notable costs and impacts that would be incurred by moving and/or constructing these facilities in new locations outside the floodplain.

The primary flood mitigation measure for both sites is to develop an evacuation plan for all facilities at these sites and keep all NPS staff, Chamber of Commerce staff, and Sheriff's Office staff informed of the plan. Although the sites are within or near areas subject to flooding, there would be ample time to warn staff and visitors using the facilities to evacuate the area. If a flood occurs, visitors and staff could evacuate to higher ground via S.R. 29, U.S. 41, and/or Interstate 75. The location of the Collier County Sheriff's Office substation on the Carnestown site, only 3 miles south of the Copeland site, would benefit the emergency communication for both sites and would help ensure early and safe evacuation.

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## GLOSSARY

### TERMS RELEVANT TO TRAILS

**Primary Trail:** An ORV trail that starts from a designated access point and is a principal ORV route.

**Secondary Trail:** A short ORV trail that branches off a primary trail and provides access to a specific destination.

### TERMS RELEVANT TO WILDERNESS

**Wilderness:** Areas protected by provisions of the Wilderness Act of 1964. These areas are characterized by a lack of human interference in natural processes; generally, there are no roads, structures, or installations, and the use of motorized equipment is not allowed. General references to the term wilderness can include the categories of eligible, marine, wilderness study, designated, potential, proposed, and recommended wilderness. Potential wilderness may be a subset of any of these five categories.

**Eligible Wilderness:** Eligible wilderness are lands determined by the National Park Service to be eligible for inclusion in the national wilderness preservation system because the lands meet wilderness criteria as identified in the Wilderness Act.

**Marine Wilderness:** Like wilderness, these designated marine wilderness areas are characterized by a lack of human interference in natural processes, and there are generally no roads, structures, or installations. The use of motorized boating is permitted in these areas according to the provisions of the Wilderness Act.

**Wilderness Study:** A study of areas eligible for wilderness designation. The study typically evaluates lands and waters against

the criteria outlined in the Wilderness Act of 1964. The findings of a wilderness study are forwarded to the director of the National Park Service, and sometimes are incorporated into a general management plan.

**Designated Wilderness:** Designated wilderness are federal lands designated by Congress as a wilderness area and a component of the National Wilderness Preservation System. The National Park Service is required to manage these lands according to the Wilderness Act of 1964.

**Potential Wilderness:** Lands that are surrounded by or adjacent to lands proposed for wilderness designation but that do not themselves qualify for immediate designation due to temporary nonconforming or incompatible conditions can be deemed “potential wilderness.” If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the secretary’s determination, published in the *Federal Register*, that they have finally met the qualifications for designation by the cessation or termination of the nonconforming use.

**Proposed Wilderness:** Proposed wilderness is an area that has been studied by the National Park Service that has been submitted as a proposal for designation by a park or region to the director of the National Park Service but has not been approved by the Department of the Interior.

**Recommended Wilderness:** Recommended wilderness is an area that has been studied and proposed by the National Park Service, recommended for wilderness designation by the secretary to the president, and then transmitted by the president to Congress. Once approved by the secretary, the area can be considered recommended wilderness for management purposes.

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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

